

Inmate/Parolee Population Management

California's prison system presently holds more than 162,000 adult inmates, with another 114,000 former inmates under state parole supervision. The cost of that system now approaches \$6 billion. The size of the prison population has resulted in part from tough-on-crime sentencing policies of recent decades, but the state has also been widely criticized for fueling the numbers by not doing a better job of preparing inmates to return to society. Approximately 90 percent of state prison inmates are eventually released on parole, and at present, more than half return to prison. A 2003 study by the Little Hoover Commission concluded that inmates are not prepared for their release from prison. Department of Corrections reports show that 43 percent of inmates released from prison in 1999 were sent back to prison within a year and that 56 percent returned within two years. Many of those returned to prison are parolees who are sent back for violating the conditions of parole, rather than for committing new crimes, and many of those go back for relatively short periods of time—an average of 5 ½ months. The vast numbers of parolees returning to prison help drive both the size of the prison population and the cost of the system. In 2001 more than 74,000 (47 percent) of the average daily prison inmate population of 157,000 was made up of parole violators.

To identify solutions to these problems the Corrections Independent Review Panel interviewed dozens of correctional experts, examined published studies, and researched the custody and parole practices of other states. As a result of that analysis, the panel recommends that the new Department of Correctional Services undertake several actions to better manage the inmate and parolee populations. The panel concluded that California can reduce the growing cost of managing its adult prison population by addressing three key factors that influence the size of that population — the length of time inmates serve in prison; the training and treatment they receive during incarceration to decrease the likelihood that they will return; and the services they receive during parole to help them remain crime-free and successfully integrate into society.

Underlying the panel's recommendations is the fundamental principle that the main goal of prison is to protect public safety, but that public safety is best served by a system that not only locks up criminals, but also helps inmates prepare for release and improves opportunities for parolees to stay out of prison. For those efforts to succeed, the custody and parole systems must work in concert, beginning with the first day inmates enter prison and continuing until parolees are released from supervision.

The length of time an inmate serves in prison depends on the sentence imposed by the court and on "time credits" earned by the inmate through in-prison work and program activities. The training and treatment inmates receive in prison includes education and other programs offered in accordance with goals identified for each inmate. And parole services include both surveillance and programs such as job placement and drug abuse treatment.

To address the length of time inmates spend in prison, the panel recommends eliminating the current time-credit system for non life-term offenses and adopting instead a “presumptive” sentencing structure that more effectively encourages inmates to achieve identified goals during incarceration. As an immediate measure to shorten prison terms, the panel recommends enhancing time credits inmates can earn in return for accomplishing specified goals. As a further means of reducing the prison population, the panel recommends identifying older inmates who could safely be released early, consistent with similar programs operating in several other states. To better prepare inmates for release, the panel recommends providing inmates with much greater access to in-prison education, vocational classes, life-skills training, re-entry services, and drug treatment. Those efforts should be guided by a research-based needs and risk assessment of each inmate upon entry into prison and should include a programming plan designed specifically to address the inmate’s identified needs.

To reduce the number of parolees who return to prison, the panel recommends changes that will enable parole agents to concentrate the most intensive supervision on parolees who represent the greatest risk to the community and improving services to help parolees reintegrate into society. The changes should include a risk-assessment of each parolee. The risk-assessment tool should be updated regularly to reflect any changes in the demographics of the parole population. Parolees identified through risk assessment as very low risk should be discharged from parole after three months. In addition, the panel recommends increasing the number of substance abuse treatment beds in the community and continuing implementation of the Department of Corrections “new parole model,” which includes pre-release planning, electronic monitoring, and residential treatment as an alternative sanction for technical parole violations. The new Department of Correctional Services should also implement effective research and data-collection capabilities to precisely identify the most effective and efficient methods of supervising parolees.

In implementing these reforms, the first order of business should be determining the operable capacity of the state’s prisons—the maximum capacity of the prisons to house inmates safely and securely while providing effective education, training, and treatment. The second order of business should be to determine the appropriate staffing needed to operate each prison and to provide inmates with needed programming. To improve strategic planning capabilities, the panel recommends that the new Department of Correctional Services contract with one of the state universities to undertake responsibility for inmate population projections.

Fiscal Impact

The department saves money with each inmate and parolee it safely removes from the prison and parole population. The present average cost of housing an inmate is \$28,439 per year, and the average cost of supervising a parolee is \$2,930 per year. Some of the recommendations presented here require an initial investment, but can be expected to save money in the future by improving the chances for inmates and parolees to succeed, thereby reducing the numbers who return to prison and shrinking the overall prison population.

Other recommendations may immediately reduce prison and parole populations and thereby produce savings upon implementation.

Laying the Groundwork for Reform

Every day, hundreds of thousands of inmates and parolees are housed, supervised, and moved around within the state prison and parole systems. Managing this population is complex and challenging. In today's environment, prison administrators must contend with severe overcrowding, the potential for violence, court mandates to provide constitutionally adequate conditions of confinement, budget cuts that have reduced staffing, and burgeoning inmate population levels, fueled in large part by former inmates cycling back into prison.

The key to reforming the system lies in reducing the numbers. That effort will require attention to sentencing practices, time-credit policies that allow inmates to reduce sentences, early-release for low-risk offenders, and a commitment to programs that help inmates and parolees reintegrate into society. For programming to succeed, in turn, the system must free up programming space and provide adequate staffing to provide program services and run the institutions. Strategic planning for that task will require accurate population projections, knowledge of the system's basic operable capacity, and a determination of necessary staffing levels.

Background

Operable prison capacity — the maximum capacity of the prisons to securely house inmates and provide effective programming — differs from both design capacity and maximum "safe and reasonable" capacity. "Design capacity" is the term used for the past 50 years to designate the number of inmates a prison is designed to accommodate according to standards developed by the Commission on Accreditation and the American Correctional Association.¹ The number can be based on any combination of single-occupancy cells, double-occupancy cells, single- or double-bunked multiple occupancy rooms, or dormitories. The standards take into account the need for humane conditions, as well as the need to prevent violence and move inmates to and from programs, such as mental health care, education classes, and drug abuse treatment. In California, design capacity is based on one inmate per cell, single bunks in dormitories, and no beds in space not designed for housing. The design capacity of California's male prison system, including the capacity of the state's new prison at Delano, is 76,879 inmates. (See Table 1).²

¹ California's actual prison capacity has never been limited to design capacity due to an ever-growing prison population. Actual prison population is represented here as a percentage of design capacity to provide a conceptual framework to convey the volume of prisoners that must be managed within the existing fixed environment.

² This report focuses primarily on the male prison population, which comprises 88 percent of the state's total prison population. According to the Department of Corrections "Monthly Report of Population as of April 30, 2004," compiled by the Offender Information Services Branch, the institution population on that date totaled 161,394, with 141,763 male inmates and 9,638 female inmates in the state's prisons and 9,993 male and female inmates in other types of facilities, such as contracted jail beds, public and private community correctional facilities, and other placements.

Maximum “safe and reasonable” capacity, in contrast to design capacity, refers to the maximum number of inmates who can safely and reasonably be housed in the prison system. That number takes into account the “safe and reasonable” capacity of individual housing units according to inmate custody levels, staffing levels, and the physical structure of the units. Level IV facilities, with a greater potential for violence, for instance, have a lower maximum safe and reasonable capacity than Level II and Level III facilities. The safe and reasonable capacity of each prison can be determined by totaling the safe and reasonable capacities of each housing unit in the prison, and the safe and reasonable capacity of the system can be estimated by combining the totals for each prison. The Department of Corrections has determined the maximum safe and reasonable capacity of the general population and reception center housing to be 190 percent of design capacity, while other housing can be filled only to between 100 and 160 percent of design capacity. Overall, the department has determined that the maximum safe and reasonable capacity of the state’s male prisons is 137,764 inmates - 179 percent of design capacity.

Defining operable capacity. Operable capacity, which takes into account space needed for effective programming in addition to safety and security, is greater than design capacity, but far less than maximum safe and reasonable capacity. A group of experienced California prison wardens told the panel at a recent forum that the operable capacity of the state’s prisons to support full inmate programming in a safe and secure environment is 111,309 inmates, or 145 percent of design capacity.

The state’s prison system presently far exceeds operable capacity. California prisons are presently filled to the breaking point, with populations exceeding both design capacity and “safe and reasonable capacity,” and far exceeding operable capacity. With 141,763 male inmates in a prison system designed to hold 76,879, as of April 30, 2004, the state’s prisons were operating at more than 184 percent of design capacity. That number exceeds the prison system’s safe and reasonable capacity by 4,000 inmates — and it exceeds operable capacity by 30,000 inmates.

Even those numbers understate some of the overcrowding. Accommodating the present inmate population has been accomplished by confining two inmates in cells designed for one, by double- and triple-bunking inmates in dormitories designed for single bunks, and by converting activity space into inmate housing areas. As Chapter 9 of this report notes, more than 9,500 male inmates are presently housed in activity space that was never designed for housing. Because Level IV inmates are generally more violent and cannot be crowded to the same degree as other inmate levels, Level IV celled housing units have now reached 152 percent of design capacity and may not realistically be filled beyond that point. As a result, greater numbers of inmates are forced into other housing, which has raised Level III housing to 201 percent of design capacity, and Level II housing to 220 percent. Consequently, the overall population of male prisons exceeds a safe maximum, and individual housing units in some prisons are so severely over-crowded as to be at a crisis stage. Reception centers, for example, which house all inmates entering prison, are housing a population of 20,000 male inmates in space designed for only 8,500 — putting reception centers at 236 percent of design capacity.

Female prisons are also overcrowded. Female prisons are nearly as crowded as the male prisons although they do not experience the same levels of violence. The population of female prisons as of April 2004 stood at 9,945 inmates, compared to a design capacity of 5,830. The most severely crowded female prisons operate from 173 to 184 percent of design capacity.³ The effects of crowding in these prisons are as severe as in the male prisons, even with lower levels of violence. While these prisons do not represent the same challenges for security as their male counterparts, the recommendations in the Report for inmate programming apply equally to both.

Staffing reductions have accompanied overcrowding. From fiscal year 1990-91 to 2004-05, more than 5,000 positions were reduced from the state prison workforce through various legislative budget reductions. During the same period, almost 1,200 additional positions were cut from the headquarters and parole staff.⁴ The positions cut have extended throughout the system, and have included correctional officer, vocational and classroom teacher and other support staff positions, with a marginal number of correctional officer positions retained to perform essential security functions. Although some positions have been added to accommodate increases in prison population, these have not been sufficient to offset the overall reductions.

Overcrowding and inadequate staffing impedes programming. Staffing reductions, overcrowding, and attendant violence have eroded the ability of the prisons to operate effectively for any purpose other than security. While the prisons attend to the primary objective of safety and security, they are able to pay little attention to inmate programming.⁵ As a consequence, programs have been curtailed, which in turn has increased inmate idleness — ironic, in that effective programming would actually enhance internal security. Instead, combined with the reductions in security and non-security staff, the crowded conditions and lack of programming have elevated security risks and increased the probability of violent confrontations. Meanwhile, inmate programs such as education and substance abuse treatment that might reduce recidivism cannot be delivered because space intended to be used for such programs is instead used to house inmates.

The current situation in California prisons is untenable, and changes are required to bring about necessary controls. Before consideration is given to implementing the recommendations in this report concerning inmate programs, the safety and operability of the prisons must be improved. This report substantiates that education and other programs for inmates contribute to public safety. The environment that is needed for these programs to work must first be created and that requires:

- Violence control;
- Opening up program space by reducing prison population;

³ Monthly Report of Population as of Midnight April 30, 2004. Department of Corrections, Offender Information Services Branch

⁴ Summary of Reductions, Department of Corrections, Budget Management Branch

⁵ Warden's Forum on Prison Capacity, CIRP, May 26, 2004

- Adding staff necessary to implement specific effective programs; and
- Exploring creative measures for the use of existing resources.

The reduction of prison population may be accomplished through the use of the new parole model (which reduces returns to prison), the initiation of a program of increased credits for time served, and adoption of a new sentencing approach for the majority of inmates who otherwise would receive determinate sentences. These options are discussed below.

Violence must be brought under control to make programming possible. The violence potential of Level IV inmates, especially in crowded conditions, severely challenges the development of a program environment in male prisons. To support programming that emphasizes preparing inmates for re-entry into the community, order and control of potentially violent inmates is necessary.⁶ Implementing a violence control program has the potential both to provide this needed order and control and to begin the process of improving inmate behavior through programming. Violence control programs use special support staff and a system of rewards to implement programs known to be effective, such as anger management courses designed to control violence and produce the means for violent inmates to improve behavior. The violence control program is endorsed by the National Institute of Corrections and used effectively in 20 other states.⁷ This program will permit the new department to begin to take the initial steps necessary to establish an environment in the prisons that can foster a broader application of inmate programming and the “re-entry philosophy.”

Increased staff and program space are needed to support effective programming. Increases in both program space and staff are required to make effective inmate programming possible. Once operable capacity is determined and accurate population forecasts are made, the Department of Correctional Services can use a standardized staffing model to identify when staffing levels must increase or decrease. The new Department of Correctional Services should undertake a project to determine the appropriate staffing required for the operation of each type of institution, including management, custody, health care, and all other programs. Mission and capacities of institutions should be carefully designated so as to distinguish them on the basis of their mission, physical plant, specific inmate/ward supervision and programming requirements, and any other special consideration for a particular institution. Prisons can generally be divided into two types: modern prisons constructed after 1984 and older prisons constructed before 1984.

While standard staffing “packages” were approved for activating the prisons built after 1984, these packages should be used only for reference and should be updated to reflect

⁶ Fifty-eight percent of the current inmate population was sentenced to prison under a determinate sentence and will eventually be released for return to the community, according to *Prison Census Data as of December 31, 2003* provided by the Department of Corrections, Offender Information Services Branch.

⁷ Department of Corrections, Violence Control Program Budget Change Proposal for fiscal year 2003-04.

position reductions, redirections, accommodations for “overcrowding,” court decisions, and other mandates that have affected staffing allocations. Input from operating wardens should be incorporated in determining the final results of the staffing project to ensure the operability of the institutions. The results should then be reconciled with the current budget for each of the institutions. Other recommendations in this report should be considered with respect to their applicability to the staffing project. The completion of this project can result in a more stable environment for current management and future planning for the continued development of the new department.

Population projections. Projecting future institution population is a matter of extreme importance for the department. Providing effective management of inmates and wards is the fundamental mission of the new Department of Correctional Services and can be done only when forecasts of increasing or decreasing population are as accurate as possible, reflect the types of inmates and wards that will require housing, and support effective programs to encourage successful re-entry to parole or aftercare programs. The current method used to forecast institution populations has been shown to be remarkably accurate over a substantial period of years and appears to provide the best basis for planning to accommodate this population, but even this method cannot be 100 percent accurate and “surprises” or emergencies can occur, as when unexpected numbers of inmates arrive at prison reception centers. This kind of emergency prompts criticism of correctional management that at best alleges an inability to plan effectively, and at worst alleges manipulation of the population forecasts.

Notwithstanding the demonstrable accuracy of the current method of projecting population relative to any other forecasting method for this purpose, uncertainty and distrust undermine the credibility of administrators in carrying out their designated responsibilities. A change in methodology appears not to be required. A change in the manner in which the methodology is used is recommended. The new Department of Correctional Services should consider an interagency agreement with one of the state universities that is active both in corrections education and research to undertake the responsibility for population projections. Management of this university relationship should be assigned to the new Office of Research and Planning. Taking these important steps will move the vital function of population projections to a neutral site that has both experience and interest in the management and research value of this process. This move will provide independent credibility for the results. In addition, cooperative research between the new Department of Correctional Services and the selected university can be used to maintain and improve the current population projection model where warranted, and the information generated through the process can be used for other decision-making purposes. The costs of implementing this change are unknown at this time. The panel expects that the university-based researcher would supplement the current staff of the department.

Reducing the amount of time served in prison. At present, most California Department of Corrections prisoners can reduce the length of their prison terms by staying out of trouble and having a “work assignment” inside the prison. Work assignments are broadly defined

to include education and vocational training as well as more traditional work that supports the operation of the prison, such as gardening, maintenance, or food-service. Most prisoners earn “day-for-day” credit, in which they earn one day off their sentence for each day they have a work assignment. Prisoners who are on a waiting list for an assignment earn one day off for every two days they are unassigned. Beginning in January 2003, inmates housed in the department’s conservation camps can earn “two-for-one” credit or two days off their sentence for each day they are otherwise eligible to earn sentence credits.⁸

Methods to reduce sentences. Short-range and long-range methods are available to reduce the average time served in prison sentences. The average length of time served in prison, the number of new admissions, and the number of parole violators returning to the prison system are the three major factors that influence the prison population. If the amount of time served drops significantly or the number of felons committed to prison declines, then the prison population will also decline. The Corrections Independent Review Panel proposes two methods that will motivate inmates to improve themselves in prison and will result in less time served in prison. (The panel also discusses changes to the parole system later in this chapter.) Both methods alter or expand the sentence-reduction credit process, but differ in how quickly the methods can generate benefits once implemented. The first method, called presumptive sentencing, will require a long implementation period and will only apply to newly committed inmates. The second method can be implemented immediately after minor statutory change, and will enhance the amount of sentence-reduction credits that inmates can earn—providing that the inmates accomplish certain goals.

“Presumptive sentencing” focuses prisoners on preparing for release. Inmates serving determinate sentences have a prescribed term imposed at the time of commitment to prison, the actual length of which is subject to change based on the application and removal of sentence-reduction credits for work and other activities. The credit system was originally intended to provide incentives for the inmates to improve themselves and thus reduce the actual time they need to serve in prison by taking advantage of opportunities to work or participate in education programs. It was to serve a dual function of making inmates more manageable in prison while improving their chances for a successful return to the community.

Due in part to the sheer size of the system, the administration of many of its provisions has become automatic, and coupled with its complexities it has become a system in which sentence-reduction credits have become a “right” to be protected. The responsibility of prison officials has shifted from making programs available to making sure the inmates are “programming.” Likewise, the focus of inmates has shifted from preparing themselves for parole through treatment and education to simply earning sentence-reducing credits by any means. The system is not the incentive system contemplated but has become instead a constant struggle for obtaining sentence-reduction credits increasingly viewed as a right in a prison structure in which funding for programs has diminished.

⁸ Penal Code, Section 2933.3

Numerous corrections officials expressed to the panel growing frustration in trying to safely manage inmates who have no particular incentive to behave under the current system. An alternative, such as a “presumptive sentence,” can return both simplicity and incentives to the administration of prison sentences. Under such a system a presumptive term and a maximum term would be established by a sentencing judge. The maximum term would be the same term as would be assigned under the current sentencing laws. The presumptive term would be a smaller portion of the maximum term (perhaps 50 percent). In selecting the presumptive term, the judge considers that it includes “good behavior” so that the presumptive term becomes the actual time to be served *provided that* good behavior is maintained by the inmate. Good behavior is further defined as completing a “program plan” that is assigned to the inmate upon arrival at prison⁹. (The program plan would need to address specific deficiencies or needs of the inmate and prescribe solutions that are flexible enough to work in the department’s varied prison settings.) The inmates would be reviewed periodically by a social worker or counselor to determine their progress with the plan.

Under a presumptive sentencing model, the inmate would be eligible for release after completing the presumptive term. However, actual release would require verification that the inmate actually completed the requirements — the presumptive elements — of the sentence. The details of such an approval process would require more specific development by the new Department of Correctional Services, but one recommended method would be to have the Hearings Administration identified in Chapter 1 of this report conduct a review to verify completion. If, after consideration of the inmate’s progress, the Hearings Administration determined that the inmate had completed the prescribed requirement, the inmate would be released. Alternatively, if the Hearings Administration determined that the inmate had not completed the requirements, the inmate would be denied release until he or she had completed the requirements (or until the maximum term elapsed.) Other methods of administering this process should also be considered by the new Department of Correctional Services.

Presumptive sentencing supports re-entry programming. A presumptive sentencing model supports a needed shift in the department’s philosophy toward a “re-entry” orientation. The concept of a presumptive sentencing model provides a focus on eventual re-entry into the community as well as providing incentives for inmates to behave. It also requires a shift in the capability of the new Department of Correctional Services toward a “re-entry philosophy” that focuses on the eventual release of the inmate. Public safety is served not just by incarceration, but by both incarceration and a prison term dedicated to improving the chances for successful re-entry. Presumptive sentencing will provide an incentive to in-

⁹ An option would be to tie this process back to the community by having the sentencing judge approve or prescribe the content of the plan. There are a number of obstacles to implementing this option, including ensuring that the plan is prepared in advance of sentencing and making sure that the judge prescribes a plan that is actually available in the prison.

mates to take the responsibility of completing the program plan and to officials who will have the responsibility of developing and administering it.

It is important to note that the recommendation for a presumptive sentencing model is to replace the current structure of determinate sentences only, as a means of including this sentencing method in a comprehensive correctional approach focusing on successful re-entry. It does not include the current structure for life sentences or the “two-strike” and “three-strike” sentences, which are beyond the scope of this recommendation. In December 2003 there were about 90,500 inmates (58 percent) serving determinate sentences. The remaining 42 percent of the inmates were serving life sentences, two-strike, or three-strike sentences.¹⁰ (Programs for these inmates should be developed as a secondary priority and are not considered in this report.)

The Corrections Independent Review Panel expects that once fully implemented, a presumptive sentencing model would generate significant savings as inmates become better prepared for reintegration into society. The presumptive sentencing model would require further development by the new department, and the panel recommends that the new department charter a special commission to fully develop this important sentencing reform.

Goal-oriented sentence reduction credits could be increased quickly. Under the current sentence-reduction credit system, most of the department’s inmates are limited to day-for-day credits, although some can earn more. (Fewer than 4,000 inmates housed in conservation camps earn two-for-one credits.) Inmates earn their day-for-day credits by participating in work, academic, or vocational activities; however, there is no requirement that the inmate fulfill any specific goals or even complete the training. The panel proposes that the department create a bonus sentence-reduction credit that would supplement existing credits and reward completion of education, vocational, or drug-treatment programs that are proven to reduce inmate recidivism.

This bonus sentence reduction credit would provide incentives for inmates’ work activities by rewarding *completion* of academic, vocational, or drug-treatment goals. For example, an inmate could earn a 90-day sentence reduction for completing a literacy program or a college-level class, or a 180-day reduction for completing a drug-treatment course or a vocational certificate. Larger sentence reductions could be awarded to inmates who complete more rigorous programs, such as a two-year college degree. To implement this concept, the department would need to develop specific policies and procedures, and develop legislation to amend the California Penal Code to grant the authority for inmates to earn additional time credits.

Release of low-risk inmates to community supervision. Other states have successfully formed partnerships with law schools to identify and consider for release low-risk older

¹⁰ California Department of Corrections, “Characteristics of the Inmate Population,” Table 10, February 2004.

and geriatric inmates. The California Department of Corrections currently houses more than 3,700 inmates who are between 55 and 59 years of age, and nearly 3,100 aged 60 or older¹¹. The Legislative Analyst's Office, in its fiscal year 2003-04 Budget Analysis, recommended that California consider early release of elderly inmates. In its analysis, the Legislative Analyst noted that California does not track the cost of incarcerating elderly inmates, but that several other states do and that these other states have estimated that elderly inmates cost two to three times the amount needed to house younger inmates. The Legislative Analyst further reported that New York, for example, estimated its annual cost of housing elderly inmates to be between \$50,000 and \$75,000 each. The National Center of Institutions and Alternatives estimated the annual cost of confining elderly inmates at \$69,000 – nearly three times the national average of \$22,000 to incarcerate other inmates.¹²

The Legislative Analyst's Office noted that housing nonviolent elderly inmates is not a good use of scarce resources when they represent a low risk to society.¹³ While the majority of these offenders should remain in custody because of the serious, violent, or sexual nature of their crimes, a small percentage could be considered for early release. Statistics published by the U.S. Department of Justice indicate that recidivism drops significantly as inmates age—from over 50-percent nationally for inmates between ages 18 and 29 to about 2-percent for inmates aged 55 or older.¹⁴

In a December 2003 analysis for the Legislative Analyst, the Department of Corrections estimated that release of non-serious, non-violent inmates aged 55 or older would reduce the inmate population by 657 and result in savings of \$10.5 million in fiscal year 2005-06, if these provisions become effective on January 1, 2005. In the first fiscal year, the institution population would be reduced by about 332 inmates, resulting in savings of \$5 million. Full-year savings would occur in fiscal year 2006-2007, when institution population would be reduced by 657 inmates, resulting in savings of \$11 million. The institution savings would be offset by the cost of supervising these offenders on parole. Also, these savings are based on the average cost of incarceration for all inmates.¹⁵

In its calculations, the department assumed certain elderly inmates would be excluded from eligibility. Parole violators-returned to custody, inmates with life terms, second-striker inmates, sex registrants, and persons whose current or prior offenses are serious or violent (as defined in Penal Code, sections 1192.7(c), 1192.8, and 667.5(c)) were considered ineligible for early release.

Several states have released elderly inmates under a program created by George Washington University professor Jonathan Turley. Turley is the founder of the Project for Older Prisoners program, which uses a partnership between law schools and corrections depart-

¹¹ Department of Corrections, "Prison Census Data," December 31, 2003, Table 5.

¹² Legislative Analyst's Office, "Budget Analysis, Fiscal Year 2003-04," p. D-39

¹³ *Ibid.*, p. D-40

¹⁴ U.S. Department of Justice, Bureau of Justice Statistics, "Trends in State Parole, 1990-2000."

¹⁵ Department of Corrections, Legislative Estimates Unit, "Legislative Analyst Request 6," December 16, 2003.

ments to assess inmates for early release. To date, more than 200 inmates have been released under the program without a single act of recidivism.¹⁶

The Project for Older Prisoners program is likely to result in fewer early releases than the 657 figure estimated by the department because of its careful risk analysis and assessment of each inmate. This method is recommended, however, because of its conservative approach and excellent track record. Even if only one-quarter of the 657 inmates identified by the department met the more conservative criteria of the Project for Older Prisoners program, savings of \$2.75 million could ultimately be realized.

Contracting with private companies for low-level inmates. The Department of Corrections currently contracts with several private corrections companies for about 2,500 beds for lower level inmates. In January 2004 the department discontinued contracts for about 1,000 beds. Privatized beds provide a high degree of flexibility because the department has no long term investment in the infrastructure or the staffing and can renew contracts on an as-needed basis.

Based on the projected Level I male institution population in 2009, the department will need more than 10,000 additional beds in order to house Level I inmates in a safe environment with programming opportunities.¹⁷ Renewing contracts with the existing facilities and reentering into agreements with the previously closed facilities would help to provide the beds needed for this population, with no capital outlay costs to the state.

Recommendations

The Corrections Independent Review Panel recommends the following actions:

- Begin to create the environment in the prisons that is needed for inmate programs to be effective, which requires the following:
 - Implementation of a Violence Control Program;
 - Opening up program space by reducing prison population through lower returns to custody;
 - Adding staff necessary to implement specific, effective inmate programs;
 - Exploring creative measures for the use of existing resources.
- Develop an interagency agreement with one of the state universities that is active both in corrections education and in research to undertake the responsibility for

¹⁶ George Turley, speaking at a sentencing seminar hosted by McGeorge Law School, April 16, 2004; Web-page viewed on March 25, 2004: www.gwu.edu/~ccommit/law.htm

¹⁷ Table 1: Analysis of Male Institution Bed Capacity, CIRP, June 2004

population projections. Management of this function should be assigned to the new Office of Research and Planning.

- Undertake a project to determine the appropriate standard staffing required for the operation of each type of institution, including management, custody, health care and all other programs.
- Charter a commission with appropriate members from the judicial and corrections fields to develop a presumptive sentencing model. The model would apply only to sentences for offenses that are not subject to “two-strikes,” “three-strikes,” or other life terms.
- Modify the Penal Code to allow inmates to earn supplemental sentence reduction credits after they complete specified education, vocational, or drug-treatment goals.
- Establish a program to identify older inmates who could be safely released early from prison. The program should be similar to the Project for Older Prisoners program that has successfully released more than 200 inmates in other states without a single instance of recidivism.
- Renew contracts with existing privatized correctional facilities and consider reentering into contract agreements with previously closed facilities to provide the beds needed for the Level I population.

Fiscal Impact

For sentencing reform. The panel expects that once fully implemented, a presumptive sentencing model would generate significant savings as inmates become better prepared for reintegration into society. It is not possible, however, to estimate the fiscal impact at this time. There may be up-front costs to restore vocational and education programs that have been reduced.

Standardized staffing. Until a standardized staffing model is developed, it is impossible to predict whether its use would increase or lower current costs. In the long run, however, use of a standardized staffing model will allow greater accountability, which should result in cost savings.

University-based population projections. Similar to standardized staffing, better population projections will allow better planning and, in turn, provide greater accountability for the new department’s operations.

For the early release program. As noted above, estimated savings are \$2.75 million. Even greater savings may accrue from savings in health care cost avoidance; however, those savings cannot be estimated.

Education Reforms

Numerous studies show that prison education programs help inmates reintegrate into society and reduce recidivism rates — the rate at which former inmates return to prison. California's recidivism rate is high compared to those of other states, and many of the state's inmates are ill prepared when they return to their communities.

The Corrections Independent Review Panel identified several areas where the new department can improve its educational system and re-entry programs to improve inmates' chances for success. Specifically, the panel recommends on-going assessment and refinement of the education programs. In addition, recently launched programs such as the bridging program, which provides for education in the reception centers, re-entry services, and other programs aimed at increasing inmate employment opportunities should be expanded. Consideration should also be given to using selected inmates in educational programs for other inmates. Rather than seeking entirely to add staff to effectuate programming goals, the new Department of Correctional Services should explore the expansion of existing projects, such as the health care peer educator, teacher aide, and lead vocational trainer projects that identify and train inmates to be used to teach other inmates in programs. There is evidence in other jurisdictions of success with inmates tutoring other inmates in basic reading.

Background

Many inmates released from California prisons do not have the skills needed to obtain and maintain employment. More than 65 percent are unable to read, write, communicate in English, and function on a job. Many are unable to find jobs when they return to society — the parolee unemployment rate is 70 to 80 percent.¹⁸ This situation is aggravated by the fact that re-entry programs designed to provide links to employment opportunities for parolees serve only about 30 percent of all inmates.¹⁹

Effective programs reduce recidivism. There is ample evidence that prison education and substance abuse programs have a positive impact on parolee recidivism, whereas researchers agree that incarceration alone does not have a measurable impact on recidivism. In May 2002, the Urban Institute completed a literature review of the effectiveness of prison-based education and vocational programs and concluded that: "In general, participants in prison-based educational, vocational, and work-related programs are more successful—that is, they commit fewer crimes and are employed more often and for longer periods of time after release—than are non-participants."²⁰ Similar results have been found in other studies, including a Federal Bureau of Prisons study that showed a 33 percent drop in recidivism among federal inmates who were enrolled in vocational and apprenticeship training."²¹

¹⁸ Little Hoover Commission, "Back to the Community: Safe & Sound Parole Policies," November 2003, p. vi.

¹⁹ *Ibid.*

²⁰ The Urban Institute, "The Practice and Promise of Prison Programming Report," May 2002, p. 8.

²¹ State Correctional Education Programs, State Policy Update by Michelle Tolbert, March 2002, p. 1.

General evidence of the benefit of prison education programs is also reflected in specific studies at the state level. For example, a January 2001 study by the Florida Department of Corrections found that the recidivism rate for inmates who earn a general education degree (GED) was 29.8 percent, whereas the recidivism rate for inmates without a GED was 35.4 percent (a 5.6 percent reduction.) Even more dramatic reductions in recidivism were observed for inmates who both completed a GED and obtained a vocational certificate. In that situation, the inmate's recidivism rate was 19.9 percent compared to the 35.4 percent rate for inmates with neither a GED nor a vocational certificate. The recidivism rate in Florida was even smaller for inmates who completed a GED and improved their Test of Adult Basic Education score to a 9th grade level. The recidivism rate of those inmates was only 12.2 percent.²²

A three-state study of education programs conducted by the Correctional Education Association and Management & Training Corporation also showed the benefits of education programming in prisons. Statistics from Maryland, Minnesota, and Ohio showed that their rates of re-incarceration dropped from 31 percent for inmates not participating in education programs to 21 percent when inmates participated in education programs.²³

The Washington State Institute for Public Policy analyzed numerous evaluations of treatment and education programs in North America conducted over the past 25 years. Their findings showed that prison programs can reduce crime in a cost-effective manner. For example, the study showed that prison vocational programs generate savings of up to \$12,000 per participant and reduce crime by 13 percent, and that education programs generate savings of up to \$9,000 per participant and reduce crime by 11 percent. The Washington review also found that in-prison therapeutic community substance abuse programs could save \$2,365 per participant and reduce crime by 5 percent. (After the cost of the treatment was deducted and including both the direct savings to taxpayers and the benefits to potential crime victims.) When the type of program was followed through to the community (parole), the savings increased to an estimated \$5,230 per participant and the crime reduction increased to 8 percent. The study showed an even larger savings from cognitive-behavioral programs, which cost about \$300 per inmate but generated more than \$7,000 in savings per participant and reduced crime by 8 percent.²⁴

Inmates' preparation for release must begin upon entry to the prison. Re-entry planning and a risk assessment tool are being developed as part of the new parole model.²⁵ However, the current plan is to use these features only during the six- to nine-month period prior to an inmate's release from prison. The Corrections Independent Review Panel con-

²² Florida Department of Corrections, "Academic, Vocational and Substance Abuse Program Impacts," pp. 3 and 11.

²³ Correction Education Association, Management & Training Corporation, "Education Reduces Crime – Three-State Recidivism Study," February 2003, p.12.

²⁴ Aos, Steve, *et.al*, Washington State Institute for Public Policy, "The Comparative Costs and Benefits of Programs to Reduce Crime," May 2001, p.8.

²⁵ Department of Corrections, draft memorandum - New Parole Model, February 2004.

cluded that this is too late. Instead, risk assessment and re-entry planning should begin when the inmate enters the institution, so that parole and prison staff can plan, along with the inmate, for eventual reentry by offering educational, behavioral, and drug treatment programs from the moment the inmate enters prison. Using this time constructively will both enhance public safety and save money if it can reduce the offender's future criminal behavior. It is important to include the parole division in this process because they are familiar with the community resources and what is needed for a successful re-entry.

The availability of program classes is still limited to a small percentage of inmates. At present, only inmates in the general population may participate in academic, vocation, or work programs; participation is not allowed for inmates in administrative segregation, secure housing units, and hospitals. Inmates in the reception centers participate in the bridging program, but are not considered part of the eligible population for traditional academic programs. The number of inmates participating in academic education programs rose from 7,178 in 1990 to 11,668 in 2004. During the same time period vocational program participation increased from 7,426 to 15,000.²⁶ However, the 2004 enrollment numbers reflect that only 26,668 (23 percent) of the 116,338 eligible inmates are participating.

The number of inmates who can enroll in academic and vocation programs is calculated by a formula used by the department that designates one filled teaching position for every 27 inmates. The total number of inmates who can receive programming is referred to as the enrollment capacity. A review of enrollment statistics indicates that the department does not accurately assess a true enrollment capacity number. As an example, in October 2003 the enrollment capacity was determined to be 33,371, while only 30,288 inmates were actually enrolled. Factors that affect the enrollment capacity are classroom availability and teacher vacancies for sick leave, vacation, and special assignments. The department should revise the enrollment capacity numbers to project a true number that accounts for site-specific classroom size, availability limits, and projected teacher absences.

Program participation is voluntary. Factors that limit the department from offering programming to a higher number of inmates are further aggravated by the fact that program participation is voluntary. Legislative efforts to mandate programs and incentives that provide day-for-day sentence reduction for class participation have had a limited effect on enrollment numbers. In 1995, Penal Code Section 2053.1 mandated that literacy classes be offered to 60 percent of the eligible inmate population, yet only 35,136 of the available 80,016 eligible inmates participate.²⁷ The presumptive sentence concept described earlier in this chapter could increase enrollment and provide additional incentives for inmates to participate in education programs. If presumptive sentencing is implemented, the department would need to evaluate and adjust the number of education programs, teaching positions, and program hour needs.

²⁶ Vocation enrollment figures obtained verbally from John Jackson, Supervisor of Academic Instruction, Education and Inmate Programs Unit.

²⁷ Department of Corrections, "Vocational and Academic Program Summary," October 2003.

Education begins in the reception centers. The 2003 Budget Act required the department to implement education programming in reception centers so that inmates could begin earning “day-for-day” sentence-reduction credits pursuant to Penal Code Section 2933. In January 2004, the department began providing academic programs at the reception centers under its “bridging” program. The bridging program allows inmates to receive academic education and day-for-day sentence credits during the average three-month reception center period.

To implement these programs, the department uses an assessment through the Test of Adult Basic Education and Comprehensive Adult Student Assessment System, and education programs in anger management, employment options, life skills, and personal life planning.²⁸ In April 2004, 215 bridging instructors were in place and another 212 instructor positions were unfilled.²⁹ Some of the teaching positions were obtained as a result of shifting instructor positions from eliminated vocational programs. Typical academic programs use classroom settings with 27 students and one instructor. The bridging instructor program is designed to allow inmates to use cell study materials. The elimination of a classroom setting allows an inmate/instructor ratio of 54 to 1. This program is designed to provide academic training, which allows day-for-day credits upon entry into the reception centers. The program is new and not fully implemented. The effectiveness of the program will depend on its ability to be fully implemented and evaluations should be conducted to assess the benefits.

College education shows a decrease in recidivism. A 2003 Little Hoover Commission report on the parole system presented findings that inmates with at least two years of college education have a 10 percent re-arrest rate and a significantly better rate of employment (60 to 75 percent).³⁰ A 1997 report by Education Works reported findings from the state of Ohio that calculated that the recidivism rate for inmate graduates of college level programs decreased by as much as 72 percent compared to inmates who do not participate in prison education programs.³¹ Correctional studies in Oklahoma found “the rate of recidivism was 8 percent for inmates who participated in college courses in prison and 3 percent for inmates who earned a college degree in prison.”³²

The Ironwood State Prison Community College Program provides an example of the benefits of college courses. The program provides distance learning to approximately 300 inmates. The estimated cost savings to the institution at \$8 million dollars per year, based on lower rates of recidivism and a decrease in disciplinary incidents in the prison.³³ The

²⁸ California Department of Corrections, Bridging Program Mission Statement.

²⁹ Department of Corrections, “Instructor Vacancy Report,” April 2004.

³⁰ Little Hoover Commission, “Back to the Community, Safe & Sound Parole Policies”, 2003, p 44.

³¹ Mary Ellen Batiuk, “The State of Post-Secondary Education in Ohio,” *Journal of Correctional Education*, June 1997, pp.70-72

³² Davis, Dr. H.C., “Correctional Education: Success and Hope,” *Correctional Education Association News and Notes*, October 1999.

³³ Little Hoover Commission, “Back to the Community, Safe & Sound Parole Policies”, 2003, p. 45.

program is provided at no cost to the department. The National Institute for Literacy defines distance learning as follows:

*Distance learning is defined as the delivery of education through electronically mediated instruction such as satellite, video, audio graphic, computer and multimedia technology. Distance education refers to teaching and learning situations in which the instructor and learner or learners are geographically separated and therefore rely on electronic devices and printed materials for instructional delivery.*³⁴

Another example of college-level courses available in the prisons is the Incarcerated Youth Offenders Program, which began in 1998. Inmates who are under 26 years of age with five years or less commitment time and who possess a high school diploma are allowed to participate. The program offers three areas of study: continuing coursework, obtainment of postsecondary education degree, and/or vocational certificate. In fiscal year 2002-2003, the program was operating at 12 institutions with 1,040 participants. Approximately 45 percent of the participants complete the program. During the same fiscal year, the 401 Incarcerated Youth Offenders Program participants released from prison showed that 124 (31 percent) were employed and 34 (8 percent) returned to prison within a year.³⁵ The program is paid for with federal funding through the U.S. Department of Education Office of Vocational and Adult Education.³⁶ The Incarcerated Youth Offenders Program has had a positive effect on recidivism and employment rates and should be continued and expanded.

In 2004, the possibility of implementing on-line college courses, with the program paid for by grant funding, was presented to the department's Education and Inmate Programs Unit by James Fay of California State University, Hayward. The department concluded that implementation of the program would need approval through the Department of Finance and the department's Information Services Division. Additional barriers include current restrictions that bar inmates from Internet access.³⁷ Based on its ability to provide postsecondary education using grant funding to reduce cost, this program would be beneficial. The program should be implemented and assessed for its effect on recidivism.

Department of Corrections technology is inadequate to support education programs. The department lacks a computerized system to easily share inmate education program information and promote effectiveness of paper-based programs. Because an inmate's education files are paper-based and are retained at the institution of commitment, it is difficult for the department to share information. For example, it would be helpful for a parole agent to be aware of an inmate's education background, training, and coursework. Even when inmates are transferred between prisons, their education history may not travel with them. This

³⁴ National Institute for Literacy, "State Policy Update," February 2004, p 2.

³⁵ Gary Green, Ph.D., "Incarcerated Youth Offenders Program, 2002-2003 Annual Report."

³⁶ Department of Corrections, Education and Inmate Programs, Incarcerated Youth Offenders Program statistics sheet.

³⁷ Memorandum, Yvette M. Page, Superintendent of Correctional Education, Education and Inmate Programs Unit.

happens so frequently that inmates are simply retested when they are transferred to a new institution. This places both the inmate and those trying to assist the inmate with education programs at a disadvantage.

A larger-scale solution is needed to ensure that education programming information is widely available. This solution should include a computer program at each institution that is linked statewide to other institutions, parole offices, department education program personnel, and others.

The Department of Corrections lacks statistical data on program effectiveness. The department lacks statistical information to show whether its education programs reduce recidivism. The department tracks the number of inmates eligible for vocation and education programs, the number of program participants, inmate levels of achievement, and teaching positions. However, it does not track program statistics to determine whether parolees who recidivate were involved in education programs.

As discussed earlier, various studies have shown that education programs reduce recidivism. However, it is important that the department collect specific information about how its programs reduce recidivism in California, so that the department can optimize its programs. One method to accomplish this would be for the department to document education programming for each parolee who recidivates. This information could be used to determine whether education programs or the lack of programs were a factor in the parolee's return to prison. Similarly, the department should debrief parolees who are about to be discharged from parole so that the department can learn what factors and programs may have contributed to the parolee's success. This information could then be used to measure the effectiveness of institutions and programs.

Re-entry programs show success. The New Parole Model of the Department of Corrections includes a bridge between prison education programs and parole needs. The new model has planned for expanded inmate re-entry programs through its Police and Corrections Team program, which establishes a partnership between parole, law enforcement, and service providers in the community. (See Appendix A to this chapter for additional information about the New Parole Model).

During the first two weeks of parole, parolees must attend a mandatory Police and Corrections Team program. The program consist of a 2-1/2 hour orientation meeting where the parolee develops a personal action plan and receives on-site information about housing, food, employment, and substance abuse treatment. A key component of this program is the link to immediate employment opportunities in the community and on-site job training opportunities. Important skills, training, and job opportunities could be enhanced for the parolees if these programs were expanded to a full day instead of the current 2-1/2 hours. In a longer format, additional instruction could be offered for social and interpersonal skills, resume writing, job search, financial literacy, and personal management.

Temporary Assistance for Needy Families. Parolees who have been convicted of a drug felony since August 1996 are not eligible for Temporary Assistance for Needy Families or food stamps. Approximately half of the costs of these benefits are paid by the federal government. Although this restriction affects only the adult portion of the grant and not the portion attributable to children, receipt of these benefits may improve the likelihood that parolees will be successful in reintegrating into society. The federal government allows states to pass a waiver to allow drug offenders to receive these benefits, but this has not occurred in California. Full or partial waivers have been passed in 32 other states.³⁸

Police and Corrections Team. One example of how employment opportunities are made available to parolees is the Police and Corrections Team program operating in the Sacramento area. This program provides on-site training through the Skills Center operated by the Sacramento Unified School District. One of the training programs available for parolees is an 18-week, 720-hour training class in truck driving. Since 1998, the recidivism rate for the 250 parolees who graduated from this training program has been 7 percent.³⁹

Community Re-Entry Bridging Program. Another example of a successful re-entry program is the Community Re-Entry Bridging Program in Sacramento. This program supplements the institution re-entry programs by having a teacher assist parolees on an individual basis to identify housing, transportation, health care systems, food, and clothing needs. Participation in the program is voluntary. Sixty-one parolees from piloted institutions have participated in the program and all but one (98 percent) have successfully completed training and are now employed.⁴⁰

These programs are examples of the positive impact that re-entry programs can have to reduce recidivism and help parolees integrate back into their communities. Programs such as these, when they produce demonstrable results, should be expanded to other regions of the state.

The Joint Venture Program shows economic benefit. In 1990 a statewide initiative created the Prison Inmate Work Incentive, which mandated the department to recruit private businesses into partnerships using inmate labor. Inmates participating in the joint venture programs are paid a comparable wage with deductions for restitution, room and board, and forced savings.⁴¹ In return for their participation, the inmates receive day-for-day sentence reduction credits. According to the department, since its inception 13 years ago, the program has generated the following benefits:

³⁸ National Conference of State Legislatures website: www.ncsl.org/statefed/welfare/program.htm.

³⁹ PACT program statistics, e-mail communications with Ward Allen, Program Coordinator, Sacramento City Unified School District.

⁴⁰ Education and Inmate Programs Unit, memorandum dated May 7, 2004.

⁴¹ California Department of Corrections Joint Venture Program website: www.cor.ca.gov/institutionsdiv/instdiv/programs/programs-jointventure.asp.

- ✓ \$18.7 million wages paid to inmates
- ✓ \$3.5 million in restitution for crime victims
- ✓ \$2.9 million in taxes paid from inmate wages
- ✓ \$2.3 million deducted for support of inmate families
- ✓ \$4 million placed in mandatory inmate savings accounts.⁴²

In fiscal year 2002-03, the program costs were lowered and revenue of \$35,000 was returned to the general fund. The statistics for 2003 were:

- ✓ \$315,066 program budget
- ✓ \$350,714 reimbursement to the general fund
- ✓ 206 average number of inmates participating
- ✓ 10 average number of programs
- ✓ \$1,350 administrative cost per inmate
- ✓ \$1,700,000 wages paid to inmates
- ✓ \$286,944 in restitution for crime victims
- ✓ \$235,924 federal taxes paid by inmates
- ✓ \$59,000 in inmate earnings withholding orders.
- ✓ \$222,855 deducted for support of inmate families
- ✓ \$351,034 placed in mandatory inmate savings accounts
- ✓ \$383,532 placed in inmate trust accounts

Unfortunately, the joint venture program budget for fiscal year 2003-04 was decreased to \$103,709, and the budget does not provide adequate funding for the administrative positions and financial firm contract. According to an analysis by the Joint Venture Program, in fiscal year 2004-05 the budget will have to be increased to \$410,542.⁴³

Based on the low cost to operate the program and the financial benefits in restitution, tax revenue, inmate wages, and savings the department should provide an adequate budget and consider expanding the program. One possibility would be expanding the program to operate outside of the institutions, such as through joint ventures with community-based businesses that employ parolees. That arrangement would create a natural employment opportunity as parolees transition into their communities.

Prison Industry Authority programs increase employment and reduce recidivism. Prison Industry Authority programs show success in increasing employment and reducing recidivism. The Prison Industry Authority was established in 1982 to develop and operate manufacturing, agricultural, and service industries within correctional institutions. The Prison Industry Authority operates more than 60 service, manufacturing, and agricultural industries at 22 prisons, employing 5,823 inmates.⁴⁴ According to its fiscal year 2002-03 report, the

⁴² California Department of Corrections, Joint Venture Program document prepared by J. R. Griggs, Program Manager.

⁴³ Department of Corrections, Joint Venture Program analysis by Susan Jacobson

⁴⁴ Prison Industry Authority, fiscal year 2002-03 annual report.

Prison Industry Authority provided an annual net cost avoidance to the department of \$14.1 million based on programming costs that the department would otherwise incur.”⁴⁵

As part of its Inmate Employability Program, the Prison Industry Authority provides certain inmates with industry-accredited certifications in fields such as welding, optical technician, laundry and linen management, and metalworking. Since 2001, 2,346 inmates have received industry-accredited certifications in 13 different fields. These certifications reduce parolee recidivism — the recidivism rate for parolees who obtained accredited certifications is about 13 percent.^{46,47} Similarly, Prison Industry Authority-trained inmates have higher employment rates than inmates not trained in its programs. For example, for former Prison Industry Authority workers on parole who had completed six or more months in the program employment rates were approximately 60 percent compared to typical rates of 20 to 30 percent for other parolees.⁴⁸ Because of the success of the accredited certification program, it should be continued and expanded where appropriate.

To further assist inmates in finding employment after parole, the Prison Industry Authority will pilot a new job placement service through the Offender Employment Continuum that will begin in July 2004. The program will operate in five institutions and coordinate employment services between the institution and parole.

Recommendations

The new Department of Correctional Services should take the following actions to improve results from education, vocational, and re-entry programs:

- Provide inmate planning and re-entry assessment at the time of initial incarceration.
- Revise enrollment capacity numbers to reflect accurate capacity.
- Expand education and vocational programs.
- Promote education program attendance by implementing presumptive sentencing.
- Fully implement the bridging program and evaluate the academic effectiveness and sentence reduction benefits.

⁴⁵ *Ibid.*

⁴⁶ California Department of Corrections, *California Prisoners and Parolees – 2002*, Tables 54 and 54a.

⁴⁷ Calculations for recidivism vary depending both on the definition of recidivism and amount of time elapsing between release and the moment recidivism is measured. As a result of these variables, the literature and this report cite various recidivism rates for California depending on the source and the context of the discussion. The panel found universal agreement from those it contacted that California’s recidivism rate is high compared to those of other states. [Little Hoover Commission, *Back to the Community, Safe & Sound Parole Policies*, 2003, p. 39].

⁴⁸ Prison Industry Authority, Inmate Employability Program report, April 29, 2004.

- Expand college correspondence courses and conduct on going evaluations on their effect on recidivism.
- Continue and expand the Incarcerated Youth Offenders Program.
- Implement on-line college programs.
- Track education program participation against parole success (and recidivism.)
- Debrief successful parolees during their last scheduled parole agent contact to determine whether education programs affected their success.
- Develop a state-wide computer database to track inmate education assessment and classroom achievement.
- Continue mandatory participation in the Police and Corrections Team orientation program and consider expanding it to a full day.
- Provide job training programs at the Police and Corrections Team orientations when possible.
- Expand the Community Re-Entry Bridging Program.
- Expand the in-prison joint venture program and explore creating community-based joint venture programs for parolees.
- Expand the Inmate Employability Program.

Fiscal Impact

Providing greater access to education and vocational programs for inmates will require an investment in additional teachers and other resources, but this investment will generate cost savings through a lower return to prison rate for parolees. This will occur because inmates will be better prepared for reintegration into society.

Reforming Parole

It costs almost ten times as much to maintain an offender in prison as it does to supervise a parolee. Therefore, unless the risk to public safety requires returning a parolee to prison, supervising parolees in the community is a wiser use of the state's limited financial resources. To make that possible, California must make the best use of both the prison and parole options. The number of parolees returned to prison can be effectively and efficiently reduced by better preparing inmates for eventual release, beginning from the moment the inmate arrives in prison and continuing through careful re-entry planning before release. Once released into the community, the parolee must receive an appropriate level of supervision that includes a broad spectrum of possible services and sanctions.

The panel reviewed the state's existing parole process and found that the Parole and Community Services Division has partially implemented promising improvements through its "new parole model." The panel recommends that the new parole model be closely monitored and that successful programs be expanded as quickly as possible. In addition, the panel identified other improvement opportunities, including early discharge of low-risk parolees, expansion of eligibility rules for drug-treatment programs, better data collection and analysis of parole programs, and, perhaps a reconsideration of the present policy of placing all offenders released from prison on parole.

Background

In 2002, the California Department of Corrections released more than 117,000 inmates to parole supervision.⁴⁹ These inmates were released with few job skills and with limited treatment for health and drug abuse problems. Ten percent end up homeless and nearly 70 percent return to prison within 18 months.⁵⁰ In 2003, 78,056 were returned to prison for either parole violations or new prison terms.⁵¹

After release from prison, parolees are supervised by parole agents, whose duties include monitoring the parolee's activities, assisting the parolee in obtaining needed services such as drug-treatment or job training, and ensuring that parolees abide by specified conditions of parole. If a parolee threatens public safety by committing a new crime or by violating the parole conditions, the parole agent can arrest the parolee and recommend that the Board of Prison Terms revoke parole and return the parolee to prison. In cases where the parolee is to be returned to prison, the Board of Prison Terms decides the length of time the parolee will serve in prison. In 2001, the Board of Prison Terms revoked the parole of approxi-

⁴⁹ California Department of Corrections Data Analysis Unit, Offender Information Services Branch, "Historical Trends 1983-2002," Table 8a.

⁵⁰ Little Hoover Commission, "Back to the Community: Safe & Sound Parole Policies," November 2003, pp. i;vi.

⁵¹ California Department of Corrections, Population Projection Unit, Offender Information Services Branch, "Actual vs. Spring 2004 Projections," March 17, 2004.

mately 74,400 parolees. Since then, the number of parole revocations has decreased. In 2002 the number dropped to 71,246 and in 2003, it dropped to 62,358.⁵²

Not all parolees who violate conditions of parole are returned to prison. In some instances, a parole agent may recommend drug treatment, more intensive supervision, or some other kind of sanction. When appropriate, the use of these types of interventions is preferable to returning a parolee to prison—which is much more costly. However, a large percentage of parolees ultimately return to prison. According to department reports, 41 percent of the 55,321 inmates paroled in 2001 returned to prison within one year of release. After two years, the recidivism rate increased to nearly 55 percent.⁵³

In recent years, the Department of Corrections has developed three programs to address these problems. The programs provide opportunities for parolees to make fundamental behavioral changes and also to refocus parole supervision into less punishment-oriented solutions. Specifically, the Preventing Parolee Crime Program offers employment, drug treatment and education; the Office of Substance Abuse Programs provides drug programs both in and out of prison; and the new parole model includes graduated sanctions for minor parole violations and re-entry planning, drug treatment, and program coordination among various community and law enforcement agencies. These programs are described in more detail in Appendix A to this chapter. The new parole model, which the parole division began developing in 2001, consists of the following:

- ***Pre-release planning.*** Provides for a plan to be developed for the inmate's reintegration into society, based on the inmate's needs and risks. Pre-release planning begins about six months before the end of the prison sentence.
- ***Graduated sanctions.*** Provides a matrix of sanctions for parole violations, matched to the severity of the violation.
- ***Substance abuse treatment control unit.*** Provides in-custody drug treatment for low risk parolees who have returned to drug use. Used in lieu of returning the parolee to prison.
- ***Halfway back.*** Residential treatment facilities that provide life skills, education, and employment assistance for low-risk parolees who have violated the conditions of parole. Used in lieu of returning parolees to custody.
- ***Electronic monitoring.*** For low-risk parolees who have committed minor violations of parole. Used in lieu of incarceration.
- ***Police and Community Corrections Team.*** Establishes partnerships between parole, law enforcement, and community service providers. Requires each newly released parolee to attend an orientation meeting with this team.

⁵² California Department of Corrections, Data Analysis Unit, Offender Information Services Branch, "Historical Trends 1982-2002" Table 5; California Department of Corrections Population Projection Unit, Offender Information Services Branch, "Actual vs. Spring 2004 Projections," March 17, 2004.

⁵³ California Department of Corrections, Policy and Evaluation Division "Recidivism Rates Within One and Two Year Follow-Up Periods – Released From Prison for First Time in 2001," March 2004.

Programs that address parolees' problems help reduce recidivism. Research indicates that the most effective way to break the costly cycle of parolees returning to prison is to treat the parolees' problems of drug addiction, illiteracy, lack of employability, and criminal thinking. For example, a three-year study of the parole division's Preventing Parolee Crime Program showed that 28,000 parolees who participated in the program were significantly less likely to commit new crimes or abscond from parole supervision. The program has generated \$21 million in savings for the department. The study further indicated that participants avoided returning to prison for 54 days longer, on average, than those who did not participate in the program. According to the study, for every dollar invested in the program, the program saved \$1.56.⁵⁴ In another example, an analysis conducted by the Washington Institute of Public Policy of more than 400 research studies showed that many treatment programs both reduced recidivism and generated savings for every dollar invested.⁵⁵ Finally, a study of a 2,000-bed expansion in the department's substance abuse treatment program found that the 12-month return to custody rate was 24 percent for parolees who participated in aftercare and 15 percent for those who received 90 days or more of aftercare services.⁵⁶

The new organizational structure will support preparing inmates for release. Chapter 1 of this report describes a new organization structure for the parole division. Under the reorganization, both the parole function and the custody function will operate under the control of the Director of Adult Operations. Regional directors will each manage five or six prisons and related-parole operations. In turn, the wardens of individual prisons and the regional parole managers will report to the regional directors. The Corrections Independent Review Panel believes that placing responsibility for both prison and parole operations under the leadership and management of the regional directors, will properly align the focus of the regional directors onto preparing inmates for release back into society.

Implementation of the department's new parole model has been slow. The new parole model of the Department of Corrections will address many past recommendations and represents a good start toward bringing California's parole system in line with current research on how to reduce crime without jeopardizing public safety, but its implementation has been slower than expected. The re-entry portion was scheduled to begin in February 2004, and, according to an official from the parole division in charge of the new model, staff has been hired and was scheduled to begin training in May 2004. The pre-release program, which was scheduled to begin in the department's 32 institutions on June 1, 2004, has begun.⁵⁷

⁵⁴ California State University San Marcos Foundation, "An Evaluation of the California Preventing Parolee Crime Program" by Sheldon Zhang, Ph.D., San Marcos, California, 2003, pp. 4,45.

⁵⁵ Washington State Institute for Public Policy, "The Comparative Costs and Benefits of Programs to Reduce Crime," Olympia, Washington, May 2001, p. 8

⁵⁶ UCLA Integrated Substance Abuse Programs, "Semi-Annual Report on the UCLA-ISAP Evaluation of the 2,000-Bed Expansion of Therapeutic Community Programs for Prisoners," Michael L. Prendergast, Ph.D. July – December 2003, Appendix C.

⁵⁷ Shirley Poe, Parole Administrator, Parole and Community Services Division, interview, May 12, 2004

It is important to visualize the model not simply as an experiment, but as an investment toward making the department a national leader in helping inmates and parolees reintegrate into society. It is too early to judge the new model's impact on recidivism or public safety because most components have yet to be implemented, but there have been some promising signs. For example, the proportion of parolees returned to custody decreased by 7 percent between July-December 2003 compared to the same period one year earlier.⁵⁸ The decrease is probably due not to the new parole model, but to a new policy implemented earlier, which requires parole administrators to review each return to custody recommendation and consider alternatives to incarceration. Nonetheless, the new policy will dovetail with the new parole model because both encourage agents and supervisors to consider alternative sanctions instead of returning the parolee to custody.

The cornerstone of the new parole model is a risk assessment instrument, which the department plans to use, but has not yet purchased. The risk assessment instrument uses an actuarial approach to identify the treatment needs of the parolee and the likelihood that the parolee will re-offend. The predictions are made using a computerized system that takes into account specific information about the parolee's background, including criminal and social history, and compares that information to statistical risk scales. A research group assembled by the parole division reviewed several different risk-assessment instruments, recommended one for selection, and has submitted that recommendation to the Youth and Adult Correctional Agency for approval.

The risk assessment tool is critical to formalized, consistent decision-making by parole agents. For the instrument to be accurate, it is imperative that the parole division complete periodic follow-up evaluations of its results and update the instrument to reflect any changing demographics in the population being assessed. It is also important to evaluate the assessment tool to make sure that it has predictive validity and that the classification of parolees is in line with the parolees' actual behavior.

The violation matrix is another important component of the new parole model. Still being developed by the parole division, the violation matrix will guide parole agents in making decisions about what sanctions, including treatment alternatives to re-incarceration, to impose for particular violations. Parole agents will use the violation matrix to match a parolee's violation against a graduated range of increasingly strident sanctions. According to officials, changes to the violation matrix are pending approval by the division's deputy director.⁵⁹ It is risky to begin less-restrictive sanctions, such as drug treatment in the place of re-incarceration, without first using risk-assessment to determine who is appropriate for various programs.

⁵⁸ California Department of Corrections, "Spring Population Projections 2003," p.13; "Spring Population Projections 2004," p.13.

⁵⁹ Shirley Poe, Parole Administrator, Parole & Community Services Division, telephone interview, May 13, 2004

Other components of the new model have only recently been implemented or are similarly awaiting purchase, staffing, and approval. The electronic monitoring component has been submitted for bid offerings and should be solidified by June 2004. The halfway back facilities have been open since February 2004, and the Substance Abuse Treatment and Control Unit component became operational in mid-May 2004. The agents for the Police and Community Team had been chosen and were in place by June 2004, as was the staff for the pre-release component.

The new parole model incorporates many of the recommendations made by both the Little Hoover Commission and the 1990 report of the Blue Ribbon Commission on Inmate Population Management. Specifically, the Little Hoover Commission recommended that the department should prepare inmates for parole while they are still in prison, build strong partnerships with community agencies, use structured decision-making to establish clear guidelines for responding to parole violations, and consider less restrictive, treatment-oriented sanctions for parole violations. As described in Appendix A to this chapter, the new model includes a matrix as a guide for graduated dispositions for parole violations; includes a re-entry component; creates a community/law enforcement/parole team to work with parolees; and provides two new treatment programs to be used in lieu of incarceration for parole violations.

The Corrections Independent Review Panel is optimistic that the new parole model will help the parole division improve its operation and will reduce the number of parolees returned to prison each year. The parole division must implement all features of the new model as quickly as possible, however. Also, the new department must view the new model as an investment, rather than an experiment in reforming its much-criticized parole process.

An inmate's preparation for release must begin upon arrival at prison. As discussed earlier, re-entry planning and risk assessment are being developed as part of the new parole model, but the current plan is to use these only during the six- to nine-month period before the inmate is released from prison. Instead, risk assessment and re-entry planning should begin when the inmate enters the institution so that parole and prison staff, along with the parolee, can plan for the parolee's reentry with educational, behavioral and drug treatment programs available from the moment the inmate enters the prison. If it can reduce the future criminal behavior of the offender, using incarceration time constructively will both enhance public safety and save money. It is important that the parole division be included in this effort, because the parole staff is familiar with available community resources and what is needed for successful re-entry.

Substance abuse treatment in prison should be expanded. Approximately 210,600 prisoners and parolees under custody or supervision by the department need drug treatment. About 132,000 of those needed drug treatment are inmates, yet, according to the Office of Sub-

stance Abuse Programs, only 14,800 are being treated.⁶⁰ More than 95 percent of all inmates will eventually be released from prison. To reduce recidivism, save money and protect the public, the number of treatment beds should be increased. Participation in and completion of the treatment program could be tied to the offender's release using the presumptive sentencing model discussed earlier.

Successful parole and re-entry programs should be expanded. The Department of Corrections has made efforts to address parolees' needs for drug, vocational, and education intervention with the Preventing Parolee Crime Program, Office of Substance Abuse Programs, and the new parole model. These programs have demonstrated success, but because they have addressed the needs of only a fraction of eligible offenders, the programs should be expanded with more funding. There is a particular need for residential treatment beds for parolees whose problems cannot be resolved in an outpatient setting. One way to accomplish this would be to change the focus of the existing halfway back program to drug treatment. The department could expand the capacity of substance abuse treatment beds by contracting with existing community-based residential treatment programs. These community-based programs also have secure lock-up facilities available for when that type of program is required. In some instances, these community-based facilities may charge a lower fee than the \$59 per day rate charged by the local jail-operated programs currently used by the state.

The Office of Substance Abuse Programs estimates that there are 78,000 parolees with drug abuse problems, but fewer than 25,000 of them receive treatment. A study of the Preventing Parolee Crime Program by California State University found that the rate of return to prison of those who completed the drug and education component was 20-percentage points lower than the non-treated population. For the study period, participants' incarceration rate was reduced by an average of 56.6 days per parolee, saving the state over \$21 million after the costs of the program were subtracted.⁶¹

The Legislature has also recognized the value of providing drug treatment. Penal Code Section 3070 directed the Department of Corrections to develop and present a plan by December 31, 2000, that would ensure that all parolees and inmates "receive appropriate treatment, including therapeutic community and academic programs" by January 1, 2005. According to the parole division, this plan was not prepared; instead, a brief letter was sent to the Legislature reporting that it was not feasible to accomplish the plan now because of fiscal problems and changes in sentencing laws. The Legislature indicated that it agreed. Proposition 36, the ballot initiative that provides drug treatment in lieu of incarceration, passed soon after Penal Code Section 3070 went into effect, but the state's subsequent fiscal

⁶⁰ Merrie Koshell, Correctional Counselor III, Office of Substance Abuse Programs, telephone interview, Sacramento, California, April 15, 2004.

⁶¹ California State University San Marcos Foundation, "An Evaluation of the California Preventing Parolee Crime Program," by Sheldon Zhang, PhD, (San Marcos, CA, 2003), p.5

crisis has resulted in uncertainty about whether any substance abuse treatment programs would continue.⁶²

Global positioning satellite tracking can bolster electronic monitoring. Global positioning satellites are an advanced form of electronic monitoring that allows real-time tracking of the location of parolees. The devices can be programmed to alert parole agents and local law enforcement when a parolee enters or leaves a particular area. The technology could be useful for high-risk parolees such as armed robbers or sex offenders. Global positioning satellite systems cost about \$10 per day to operate — which is significantly less expensive than placing an offender back in prison.

Florida has used global positioning satellite systems since 1997 to target high-risk sex offenders, and other cases of high public interest. Texas also uses global positioning satellite systems to track the highest risk parolees, primarily sex offenders.

One potential drawback to global positioning satellite technology is that it requires parole agents or local law enforcement to respond quickly if an “alert” is issued by the device when a parolee leaves an authorized area. Failure to respond quickly could be a public safety risk, as well as a political embarrassment, if the parolee committed a crime while in an unauthorized area. Another potential drawback is that the increased surveillance that global positioning satellite systems generate can often lead to increased revocations. This increase may counter the money-saving aspect of global positioning satellite systems, but must be considered a necessary public safety benefit.

Early discharge of low-risk parolees will reduce costs. California’s existing parole policy focuses treatment time and money on non-serious, nonviolent parolees, yet it is the high risk, serious offenders who commit the most violent offenses and consequently pose the greatest threat to public safety. In 2001, 21 percent of those paroled had originally been sentenced to prison for possession of a small amount of drugs.⁶³ These parolees take as much time and effort to supervise as do those convicted of violent offenses. Rather than directing resources toward offenders whose crimes are drug-use related and who have no history of violence, the department’s emphasis should be placed on serious, high-risk parolees. Low-risk parolees should be required to participate in self improvement programs throughout their prison stay and should be prepared for parole through a rigorous prison re-entry program. Immediately upon release they should be connected with needed community services. This “hand-off” component is critical because parolees tend to fail during the first few months on parole.

⁶² Merrie Koshell, Office of Substance Abuse Programs, interview, April 15, 2004

⁶³ California Department of Corrections, Policy and Evaluation Division, “Recidivism Rates Within One and Two Year Follow-Up Periods – Released From Prison for First Time in 2001,” March 2004.

The Corrections Independent Review Panel recommends that parolees who are employed or self supporting, have a stable residence, and have no violations of their parole conditions after three months on parole be discharged from parole supervision. The discharge would require approval from the hearings administration identified in Chapter 1 of this report. In December 2003, the Department of Corrections estimated annual savings of between \$150 and \$176 million if all non-serious or non-violent parolees were discharged after three months.⁶⁴ To enhance public safety, a portion of the savings realized from early discharge should be redirected to more closely supervising high-risk parolees. The panel assumes that about 50 percent of low-risk parolees will qualify for release after three months and that 50 percent of the resulting fiscal savings would be redirected to supervising high-risk parolees. Under these assumptions, according to Department of Corrections calculations, the department would save about \$10 million in the first six months of implementation and \$39 million and \$44 million in the second and third years, respectively.⁶⁵

To accomplish this change, the parolee's risk level should be determined using the evidence-based risk and needs instrument described earlier. Parolees with a history of violent or serious felony conduct (such as those crimes identified in Penal Code Sections 1192.7 and 667.5) and parolees who must register as sex offenders would be excluded. The goal would be to require that parolees participate in programs in prison, remain crime free and stable upon release, and be rewarded for their participation and success by early discharge from parole supervision. Following these guidelines will improve public safety.

Should all inmates released from prison be placed on parole? In California, 100 percent of those released from prison are placed on parole supervision for three or four years. In contrast, several other states supervise only certain prisoners after release. A few states, including Maine and Virginia, have abolished parole supervision altogether. Michigan supervises parolees for only two years, compared to California's three- or four-year parole supervision period.⁶⁶

Scarce public resources are forcing corrections to make difficult decisions about where to place limited funds. Joe Lehman, Secretary of Washington State Department of Corrections, noted that when both low-risk and high-risk parolees are placed together on a caseload, parole agents don't give enough time to serious offenders. To remedy this, the Washington officials asked the questions: "Why do we (prison/parole) exist? What can the public reasonably expect us to do?" They concluded that the public wants to be protected from dangerous criminals and has tolerance toward treating drug addicts who are not violent.⁶⁷ They

⁶⁴ California Department of Corrections, Legislative Estimates Unit, "Legislative Analyst Request 4&7," December 16, 2003.

⁶⁵ Department calculations prepared in December 2003 for the Legislative Analyst.

⁶⁶ Petersilia, Joan, Ph.D., *Reforming Probation and Parole*, American Correctional Association, 2002, p.115.

⁶⁷ Lehman, Joseph D., "A Forum on Current Issues in the Field of Corrections," presented by the Department of Corrections for the California Performance Review, April 27, 2004.

further concluded that focusing on more dangerous offenders and not supervising those on parole for less serious offenses would lower recidivism.⁶⁸ That sentiment is echoed by nationally recognized corrections expert Joan Petersilia. Petersilia notes that research indicates that the public is becoming more willing to tolerate treatment for nonviolent offenders, particularly substance abusers, and to focus punishment on those convicted of violent crimes. This is especially so when the public is aware of the high costs of incarceration.⁶⁹

Participation in drug-treatment programs is presently too restricted. Studies show that parolees who complete drug treatment programs are less likely to re-offend.⁷⁰ Yet many parolees in California are excluded from participation in drug treatment programs because of their past criminal history. For example, parolees whose crimes are defined under Penal Code Sections 667.5 and 1192.7 as “serious” or “violent,” or who are required to register as sex offenders are barred from participating in the Substance Abuse Treatment Control Unit program, which has 30-day inpatient and 90-day outpatient components. This restriction is illogical from a public-safety standpoint because the Substance Abuse Treatment Control Unit program is a “lock-up” program typically located in city or county jails. So long as the normal criteria are met for this jail-based drug program and the violation is for drug use only, these currently excluded parolees would benefit from drug treatment as much as a lower risk offender. If these offenders were allowed to participate in the Substance Abuse Treatment Control Unit program, the department would save money because the cost of that program is cheaper than the cost of returning the offender to prison. Moreover, numerous studies have demonstrated that those who complete substance abuse programs are less likely to be sent back to prison, particularly when they complete both in and out patient components.

Private contractors can be used to provide specific treatment. Exploring the use of private contracted facilities to provide treatment can expand the availability of efficient resources to support the new parole model. Private contractors could be used to provide secure facilities for specific kinds of treatment designed to maintain the parolee in the community. These programs have the promise of success at a cost substantially lower than state prisons, and sometimes lower than county facilities. Programs provided include 90-day treatment for drug and alcohol addiction, which has been shown to have a positive effect on preventing new offenses. These facilities and programs can be found especially in large urban areas.

Data collection is critical to measuring program effectiveness. Collecting data and measuring the results of both new and existing programs is critical to on-going improvement. At

⁶⁸ Washington State Institute for Public Policy, “Washington’s Offender Accountability Act: An Evaluation of the Department of Corrections’ Risk Management Identification System,” January 2003.

⁶⁹ Petersilia, Joan, Ph.D., *Reforming Probation and Parole*, American Correctional Association, 2002, p.180.

⁷⁰ Aos, Steve *et al*, Washington State Institute for Public Policy, “The Comparative Costs and Benefits of Programs to Reduce Crime,” May 2001.

present, there is no comprehensive, integrated data system in the department to even provide information about trends or the success or failure of policies. This lack of data collection and analysis prevents the department from showing lawmakers and the public the effectiveness of its programs. The lack of data mirrors a similar lack of research to evaluate parole programs nationwide. Petersilia notes,

It is safe to say that parole programs have received less research attention than any other correctional component in recent years. A congressionally mandated evaluation of state and local crime prevention programs included just one parole evaluation among the hundreds of recent studies that were summarized for that effort.⁷¹

For years the department has been focused on incarceration over rehabilitation programs, in spite of the research statistics that show rehabilitation programs help offenders and simultaneously reduce the skyrocketing prison populations and costs. As California's new parole programs are implemented, it is important that they be monitored to determine both whether they are affecting return to custody rates and whether they compromise public safety. A measurement component should be built into the programs, and adequate funding should be provided to the department so that decision making and public policy is based on valid analysis of what programs and policies are effective.

The following are suggested outcomes that the new Department of Correctional Services should measure to demonstrate the success of its prison and parole programs. Each of these outcomes should improve as the department becomes more effective at preparing inmates for reintegration back to society.

- Reduction in risk and needs scores, as measured by the risk and needs assessment instrument;
- Rate and duration of parolee employment;
- Program attendance rates;
- Improvements in reading levels;
- Reduction in the number of fugitives from parole; and
- Recidivism rate.

Effectively supervising parolees requires parole agents to have a balance of skills. Most agents now working in parole were hired and trained when the department's focus was on surveillance and detection of criminal behavior. This focus was reinforced by department training, which included arrest procedures and use of force. The department provides no training in casework issues, such as patterns of recovery from drug addiction or mental illness and its impact on relapse.

⁷¹ Petersilia, Joan, *Reforming Probation and Parole in the 21st Century*, American Correctional Association, 2002., p.190

Furthermore, hiring practices and requirements impede hiring individuals with social services background. Agents are rarely hired from social service disciplines, such as child protection agencies, treatment programs, or even probation, largely because of the lengthy background investigations required of applicants not already employed as peace officers by the department. It can take up to a year to hire an individual from other disciplines such as social services or probation, whereas current department correctional officers can be hired almost immediately. This is because correctional officers seeking parole agent positions have already gone through a Department of Corrections background investigation, so the investigator need only examine the period in the applicant's career subsequent to the original background investigation. To hire an applicant from outside the department, conversely, the investigation must start from scratch—a time-consuming process. Consequently, most new agents are chosen from the prison correctional officer ranks. To develop a more balanced force of parole agents who bring a combination of law enforcement and social work skills to parole operations, the new Department of Correctional Services should remedy these hiring barriers and provide on-going training in social service skills to its parole agents.

Recommendations

To improve parole operations the new Department of Correctional Services should take the following actions:

- Continue implementation of the Department of Corrections new parole model.
- Consider the use of private contractors to provide specific kinds of treatment in secure facilities designed to maintain the parolee in the community.
- Begin preparation for re-entry when the offender enters prison.
- Increase the number of substance abuse treatment beds in prison.
- Increase the number of substance abuse treatment beds in the community by increasing funding for programs that are proven successful. This could include halfway back, Substance Abuse Treatment Control Unit, or other community-based facilities.
- Use the needs and risk assessment tool when the inmate first enters prison and design a programming plan that addresses those needs.
- Discharge parolees who are determined to be very low risk from parole three months after they are released from prison.
- Consider the use of global positioning satellite tracking for certain high-risk offenders.

- Allow both high- and low-risk parolees to participate in treatment and training programs.
- Add a quality control feature to the new parole model programs to measure effectiveness.
- Increase focus on casework skills when recruiting new agents and in agent training.
- Develop a comprehensive data collection and analysis system that measures the effectiveness of the department's parole programs. This system must also link with other department data analysis systems.

Fiscal Impact

The Little Hoover Commission estimated that changes outlined in the commission's November 2003 report on parole could save the department \$151 million by reducing the percentage of parole violators returned to prison. The commission further estimated that an additional \$300 million could be saved by reducing the length of revocation sentences for "low end" offenders from an average of 140 days to 100 days.⁷² The Department of Corrections has estimated that the new model will reduce the parolee return to prison rate by 5 percent in 2004.⁷³ Already, as agents seek alternatives to incarceration, there has been a decrease of 5,765 parolees in prison for violations from January 2003 to January 2004 as compared to the same period a year earlier.

Many of the recommendations of the Corrections Independent Review Panel require an initial investment, but are designed to save money in the future as they increase inmates' chances for success on parole.

The Corrections Independent Review Panel estimates the following savings would occur from implementation of the recommendations presented in this report:

- **Early discharge from parole – after 3 months of successful parole**

Fiscal Year	2004-05 - \$10 million
Fiscal Year	2005-06 - \$39 million
Fiscal Year	2006-07 - \$44 million

⁷² Little Hoover Commission, "Back to the Community: Safe & Sound Parole Policies," November 2003, p. iii.

⁷³ Arthur Chung, Chief, Offender Information Services Branch, California Department of Corrections, interview, March 22, 2004

Appendix A

Preventing Parolee Crime Program

In 1998 Assembly Bill 2321 provided funding to expand the Department of Corrections pilot program known as the Preventing Parolee Failure program. As codified in Penal Code Section 3068, this program was renamed Preventing Parolee Crime Program and includes the following components.

- **Offender Employment Continuum.** This is a 40-hour mandatory employment workshop for parolees focusing on identifying and correcting long term barriers to employment. It includes job preparation, resume writing and interviewing skills, as well as employment referral and continued counseling to ensure that the parolee stays on the job.
- **Residential Multi-service Centers.** These facilities provide a therapeutic environment primarily for homeless parolees to help them transition into independent living. The program offers substance abuse treatment, literacy training, and individual and group counseling. Parolees can live in the program for up to 180 days. There is a 60- to 90-day aftercare period.
- **Computerized Literacy Learning Center.** This a computer-assisted instructional program staffed by credentialed teachers. The programs are located in parole offices at 21 sites throughout the state. (as of August 2003)
- **Substance Abuse Treatment and Recovery.** This is a 20-day education-based substance abuse program located in at least 28 parole offices. Parole agents refer parolees who have tested positive for drugs. Approximately 8,060 parolees are using this program.

In its February 1998 analysis of the fiscal year 1998-1999 budget, the Legislative Analyst's Office stated that, according to the department, the Preventing Parolee Failure program resulted in net state savings of \$74 million over a four-year period. The Legislative Analyst recommended expanding the Preventing Parolee Failure program, noting that the program would save between \$2 and \$3 for every \$1 invested.⁷⁴

Office of Substance Abuse Programs

The Office of Substance Abuse Programs estimates that there are 210,000 inmates and parolees with drug abuse problems. The office estimates that approximately 16,500 parolees are receiving treatment in one of its programs. The Office of Substance Abuse Programs coordinates the following prison and community based programs:

⁷⁴ Legislative Analyst's Office, "Analysis of the 1998-99 Budget Bill," February 1998, pp. D-25, D-33

- Substance Abuse Program. There are 8,500 therapeutic community slots in 35 substance abuse programs in 19 prisons. The length of stay is from six to twenty-four months. Each slot serves an average of 1.33 inmates annually.
- Transitional Treatment Team Program. At Folsom State Prison, 200 inmates participate in this four-month program that includes intensive pre-release planning. Parolees who go back to prison briefly for drug violations and who have completed a substance abuse program in prison are also eligible for this program.
- Parole Services Network. This program is for parolees who have not been in a prison substance abuse program but need drug/alcohol treatment. The average length of stay for a residential program is 30 to 90 days, followed by outpatient services. The Office of Substance Abuse Programs coordinates with the California Department of Alcohol and Drug Programs to manage the service networks. The Department of Alcohol and Drug Programs transmits funds to the counties, which in turn contract with treatment providers. These programs offer up to 180 days of services, which include assessments, detoxification, and residential and outpatient treatment.
- Drug Treatment Furlough. This is an in-prison substance abuse program for 1500 nonviolent, non-serious offenders. Inmates participate in this residential community aftercare treatment program during their last 120 days in prison.
- Family Foundations Program. A 70-bed program for women with small children who have been convicted of low-level felonies. This program is used in lieu of state prison.
- Community Mother Infant Program: This is also a 70-bed program for low-risk female inmates who are pregnant or give birth in prison. The 70 beds are divided between three facilities.

The Community-Based Aftercare Programs are included under the Office of Substance Abuse Programs. Merrie Koshell of the Office of Substance Abuse Programs indicated that according to a study, (R.J. Donovan In-Prison and Community Substance Abuse Program: Three-Year Return-to-Custody) 24 percent of those who complete both the prison and aftercare drug portions of the R.J. Donovan program return to prison, compared to 78 percent of those who complete only the prison component. The programs are much more successful if the inmate/parolee completes all components.

The Substance Abuse Services Coordination Agency is also included under Office of Substance Abuse Programs. The Substance Abuse Services Coordination Agency manages the aftercare portion of the drug programs. The agency has offices in each of the four parole regions and purchases services from community-based providers. These are 30- to 90-day residential care programs followed by outpatient drug treatment.

- **Female Offender Treatment and Employment Program.** This program was established by Penal Code Section 3054, as enacted by SB 491, Chapter 500 in 1998. Female parolees who graduated from a prison-based substance abuse program are eligible to receive up to 15 months of Female Offender Treatment and Employment Program services. For parolees who choose to use the program, the average length of stay is 135 days. Services include substance abuse treatment, employment/educations programs, and life skills development. Child care and transportation is provided. Some of the residential programs allow children to live with their mothers.
- **Enhanced Substance Abuse Treatment Control.** This is a 200-bed treatment program located at Folsom Prison. After completion of this program the parolee is eligible to use the other community-based programs of the Office of Substance Abuse Programs.

The New Parole Model

In September of 2001 the Parole and Community Services Division created its new parole model to address recidivism issues. The model focuses on non-serious/non-violent offenders as they are thought to pose the least risk to the community if they are offered alternative sanctions to incarceration. The basic components of the model are the following:

- **Violation matrix.** This is a structured system for providing clear guidelines to decision making for parole violations.
- **Pre-release planning.** Inside prison, a Parole Agent II, social worker and parole service assistant will assess the inmate using a computer-based tool that identifies the inmates' needs and the risk they present to others. Agents will continue to use this tool throughout the parole period and will modify parole conditions and supervision levels accordingly.
- **The Police and Corrections Team.** The team establishes a partnership between parole, law enforcement, and service providers once the offender is released. Every newly released parolee will be required to attend an orientation meeting with this group of professionals. A Parole Agent II will run this program with the help of a social worker. The department plans to have a team in each of the 24 parole divisions.
- **Electronic monitoring** will become available for non-violent/non-serious offenders. This will allow agents to impose home detention as an alternative sanction for parole violations. It costs \$43.00 a day to house an inmate in prison and approximately \$5.00 a day to monitor a parolee at home with an electronic device. There will be 1,000 of these devices, which will provide about five per parole unit.

- The Halfway Back program offers residential treatment as an alternative sanction for parolees who have committed a technical violation and who need a more structured setting to both address their problems and monitor their behavior. The Halfway Back units focus on life skills, education, and employment. Statewide there are 18 facilities with a total capacity of 792 beds. These facilities were being used as work furlough beds for inmates during the last six months of their term. As the work furlough inmates parole, the beds are being filled with parolees. This program began in March 2004. Currently it is 74.5 percent full; however inmates are still in the process of transitioning out of the facilities.
- The Substance Abuse Treatment Control Unit will provide a 30-day, in-custody drug treatment program for parolees whose drug addiction is too advanced to be addressed in the community. It is designed to serve up to 1306 parolees. 1770 beds have been contracted in various jails throughout the state —600 beds are now available at the Los Angeles County Detention Center, with another 20 beds at Humboldt County Jail.

TABLE 1

Male Institution Bed Type (Includes Civil Addict Program)	Design Capacity (DC) updated on 6/2/04 ¹	Actual Male Institution Population April 2004 ²	Actual Percentage of Design Capacity April 2004	CDC Defined Maximum % of DC	Male Institution Population Equivalent of CDC Maximum	Bed Changes Req'd to Reach CDC's Maximum Percentages	Warden's Proposed Operable Capacity (OC) as % of DC ^{3,4}	Male Institution Population Equivalent of Warden's Proposed OC	Projected Male Institution Population on 6/30/09 ⁵	Population Reductions Needed by 2009 to Meet Warden's OC ⁶
CAMP BEDS	3,588	3,752	105%	100%	3,588	164	100%	3,588		
General Population:										
Level I - MSFs	4,759									
Level I - old design	<u>5,091</u>									
LEVEL I TOTAL	9,850	15,751	160%	190%	18,715	-2,964	150%	14,775	29,054	-10,691
Level II - new design	6,406									
Level II - old design	<u>9,622</u>									
LEVEL II TOTAL	16,028	35,306	220%	190%	30,453	4,853	150%	24,042	31,334	-7,292
Level III - standard	13,252						160%			
Level III - over/under	<u>2,122</u>						100%			
LEVEL III TOTAL	15,374	30,912	201%	190%	29,211	1,701	152%	23,325	38,245	-10,048
Level IV - 180 design	7,510						140%			
Level IV - 270 design	<u>6,520</u>						140%			
LEVEL IV TOTAL	14,030	21,293	152%	190%	26,657	-5,364	140%	19,642	28,030	-3,591
Reception Center cells	5,646						150%			
Reception Center over/under	256						150%			
Reception Center dorms	<u>2,608</u>						190%			
RECEPTION CENTER TOTAL	8,510	20,055	236%	190%	16,169	3,886	162%	13,808	17,628	-3,820
Administrative Segregation/III	2,262						150%			
Administrative Segregation/IV	<u>1,152</u>						120%			
AD SEG TOTAL	3,414	7,092	208%	150%	5,121	1,971	140%	4,775		
SUBSTANCE ABUSE TX	1,056	1,467	139%	140%	1,478	-11	140%	1,478		
SECURITY HOUSING UNIT	2,436	2,780	114%	120%	2,923	-143	100%	2,436	3,165	-729
CONDEMNED	604	604	100%	100%	604	0	100%	604		
YOUTHFUL OFFENDERS	82	82	100%	100%	82	0	100%	82		
EOP	1,691	2,397	142%	150%	2,537	-140	150%	2,537		
PSU	192	248	129%	100%	192	56	100%	192		
PHU	24	24	100%	100%	24	0	100%	24	25	-1
TOTAL SYSTEM	76,879	141,763	184.4%	179.2%	137,754	4,009	144.8%	111,309	147,481	-36,172

Notes for Table 1

¹ "Design Capacity" (DC) is based on the following assumptions:

- (1) one inmate per cell,
 - (2) single bunks in dormitories, and
 - (3) no inmates housed in spaces that were not designed for housing, such as dayrooms, hallways and gymnasiums.
- The numbers used here provide a basis for expressing the actual capacity of the prisons as a percentage of design capacity. Includes new beds at the Delano II facility.

² The population reflected here is the male felon and civil addict population housed in CDC institutions and camps. This population does not include (1) women, (2) inmates housed in various community correctional centers, (3) inmates housed in the Department of Mental Health state hospitals, and (4) inmates housed in county jail beds.

³ "Maximum Operable Capacity" (MOC) is determined through an assessment of experienced Wardens and is expressed as the percentage of design capacity of the various housing units within the institutions wherein the prison can be operated both safely and can provide programming for every inmate, consistent with the inmate's ability. Programming means the provision of education, vocational education, drug and alcohol prevention and other programs especially for inmates serving a determinate sentence or PV-RTCs, which is consistent with a renewed emphasis on preparation for re-entry. For the purposes of the process of determining Operable Capacity, it is assumed that (1) all "bad beds" are closed, thus freeing up program space, and (2) staff with requisite experience are available to manage an effective program.

⁴ Ad Seg and Level III maximum operable capacities are a weighted average based on the number of beds and the recommendations by bed type for the different designs.

⁵ Based on Table 6 in the Spring 2004 Population Projections, which has fewer breakdowns for inmate/bed types. Campers, Administrative Segregation, Substance Abuse Treatment, Condemned, Youthful Offenders, EOP, and PSU inmates are included in the projections for Levels I through IV.

⁶ Camp beds are included in Level I figures. Ad Seg beds are broken out between Level III and Level IV. Substance Abuse treatment beds are included in Level III. Condemned, Youthful Offenders, EOP and PSU beds are included in Level IV.

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Ward / Parolee Population Management

Providing education, training, and treatment to youthful offenders is central to the mission of the California Youth Authority. Forty years ago, California was the undisputed national leader in carrying out that responsibility. But in the 1980s, tougher sentencing for juveniles, subsequent overcrowding of youth correctional facilities, and a societal emphasis on custody over rehabilitation began eating away at the State's programs for helping incarcerated youths.

Today, a new set of forces is at work. In recent years, the number of youthful offenders in California correctional facilities has fallen by almost half, from 10,114 in June 1996 to 4,879 in June 2003, with the number expected to decline to 3,740 by June 2009. Most of the youths now committed to state custody are proportionately more violent and have significantly greater needs for mental health care and other program services compared to the youths of earlier years. At the same time, the state is under increasing challenge from the public, from lawmakers, and from the courts for failing to provide humane and constitutionally adequate conditions of confinement for incarcerated youths and for not providing adequate education and treatment services.

In light of those circumstances, the Corrections Independent Review Panel examined what California can do to improve its treatment, education, and parole services for the serious, chronic, and violent youthful offenders committed to its custody. As a result of that study, the panel recommends that the State institute a series of best-practices reforms in its education and treatment programs to more successfully protect society by helping youthful offenders reintegrate back into the community.

Fiscal Impact

Implementing the panel's recommendations can be expected to result in long-term savings by reducing disciplinary incidents in youth correctional institutions, helping youthful offenders earn earlier release, and reducing the number who commit new crimes and return to custody. The recommendations will also assist the new Department of Correctional Services in complying with the requirements of the consent degree anticipated in a major court action, *Farrell v. Harper*. A detailed legislative financial analysis involving key stakeholders is needed to more fully determine the fiscal impact of the recommendations.

Background

The mission of the California Youth Authority is as follows:

[T]o protect the public from criminal activity by providing education, training, and treatment services for youthful offenders committed by the courts; directing these offenders to participate in community and victim restoration; and assisting local justice agencies with their efforts to control crime and delinquency, and encouraging the development of state and local programs to prevent crime and delinquency.¹

¹ California Youth Authority, Public Affairs Office

The department's historical obligation to provide juvenile offenders with education, training, and treatment services was set forth when the California Youth Authority was created by the Youth Corrections Act of 1941. At the time of its enactment, the law was revolutionary in that it substituted training and treatment for youthful offenders in place of retributive punishment, which had been the national norm. In the years following, the act also made California the national model in juvenile treatment. By the mid-1960s the success of California's training and treatment model became not only accepted practice across the country, but also the formal legal policy of the United States, certified by the U.S. Supreme Court, in *Kent v. United States* (1966). Although the U.S. Supreme Court has since modified the treatment model, allowing juveniles to be tried as adults in cases involving particularly egregious offenses, it has nonetheless preserved the importance of individual assessment of the circumstances of the juvenile before sentencing, and the general policy of rehabilitation for juveniles remains sacrosanct. The U. S. Supreme Court continues to affirm the special developmental status of those under the age of 18 and the State's obligation to provide them with special protection.

Studies have shown that wards who participate in education and vocational training programs have a lower risk of recidivism.² Yet, despite those studies, and despite the historical mandate to provide treatment services to youths committed to the California Youth Authority, the State's commitment to providing such services has been eroding since the early 1980s. During the 1980s and 1990s, the department's budget failed to keep pace with rising ward populations resulting from "tough on crime" sentencing laws that made sanctions for juvenile crime comparable to those of adults and from stricter parole policies instituted by the Youthful Offender Parole Board that lengthened incarceration times. Largely because of Youthful Offender Parole Board policies, the average length of stay for wards increased from 21.6 months in 1991-92 to 27.6 months in 2002-03.³ Between 1987 and 1991, the ward population in California Youth Authority facilities averaged 139 percent of bed capacity and over-crowded living conditions and double bunking became standard.⁴

With the overcrowding came increased violence in youth correctional facilities—group disturbances, suicidal behavior, escape attempts, and other acts of destructive conduct. And, in an escalating cycle, increased violence led to longer stays, still more overcrowding, and still more violence. Research by the California Youth Authority shows that before crowding began in 1987 disciplinary incidents were significantly fewer. In 1987 the disciplinary rate for serious ward misbehavior stood at 102.5 incidents per 100 wards, but as crowding increased between 1987 and 1991, the rate of disciplinary actions increased by 33

² Stephen J. Steurer, Linda Smith and Alice Tracy, "Three State Recidivism Study, Preliminary Summary Report," September 30, 2001.

³ Department of Youth Authority, "Population Projections for Fiscal Years 2004-05 through 2007-08," March 9, 2004, pages 1; 7-8.

⁴ Department of Youth Authority, "Budget Change Proposal, Institutions and Camps Branch, Fiscal Year 2003-04, Fiscal Year 2004-05," March 9, 2004, pages 1-2.

percent to 136.2 incidents per 100 wards. Under earlier policies, wards were nearly always able to decrease the time they served through a system that deducted time as a reward for positive behavior. But under policies instituted in the 1980s, as the number of disciplinary incidents rose, the Youthful Offender Parole Board increasingly deferred release to the point that it was not unusual for wards to have served all their “available confinement time” — the maximum sentence imposed by the committing court— with no reduction for good behavior by the time they left the institution. At present, approximately 540 wards — 14 percent of the current California Youth Authority population — are serving all of their available confinement time as a result of disciplinary actions.

Because of this pattern, several reforms were enacted in January 1, 2004, with the passage of Senate Bill 459. The new law removed authority from the Youthful Offender Parole Board for setting projected parole dates and for making decisions about time adds and time cuts and gave it back to the California Youth Authority, which had that authority until 1980. The bill also includes a provision allowing wards to reverse time adds through sustained positive behavior. In addition, the new law re-named the Youthful Offender Parole Board as the “Youth Authority Board,” and required it to report to the Director of the California Youth Authority, who is once again designated chairman of the board. The board retains its public protection role of making decisions concerning parole release and parole revocation.

In the meantime, the California Youth Authority is under court mandate to improve its programming and treatment of youthful offenders. A complaint for injunctive and declaratory relief, filed in the Alameda County Superior Court in the case, *Farrell v. Harper* alleges numerous deficiencies in education, treatment, and parole services for youthful offenders.⁵

Education services

California Welfare and Institution Code Section 1120 requires the California Youth Authority to operate a statewide correctional school district under the direction of the Superintendent of Education.⁶ Each of the California Youth Authority’s eight institutions provides academic and vocational classes and teaches life survival skills to help wards attain a high school diploma or general education degree (GED) equivalent before they are released. Each institution has a school administered by a principal, one or more assistant principals, teachers, teaching assistants, and specially credentialed supplemental service providers.⁷

⁵ Complaint for Injunctive and Declaratory Relief, Superior Court For The State Of California, County Of Alameda, Margaret Farrell v. Jerry L. Harper, January 16, 2003.

⁶ California Youth Authority, “Report on Education Funding Levels, Submitted in Response to the Supplemental Report of the 2002 Budget Act – Item 5460-011-0001,” November 2002, page 2.

⁷ California Youth Authority, “Report on Education Funding Levels, Submitted in Response to the Supplemental Report of the 2002 Budget Act – Item 5460-011-0001,” November 2002.

All California Youth Authority high schools are accredited through the Western Association of Schools and Colleges.⁸

At the time of commitment, the educational level and abilities of each ward are assessed at a reception center clinic and an individual education plan is developed for those in special education. The methods by which education services are provided are substantially influenced by the ward's security restrictions and program needs, including the need for substance abuse treatment or mental health services.⁹ These factors, in turn, dictate the institutional setting in which education services are provided. Education services at the California Youth Authority are provided through the following primary delivery models:

- *Conventional classrooms.* Wards attend conventional classrooms and vocational shops with up to 15 students.
- *Special management programs.* These programs provide education services to wards with special needs whose behavioral problems prevent them from attending school for significant periods of time. At present, instruction for special management program wards is conducted by teachers either on a one-on-one basis at the room door or in open settings in small groups not exceeding five wards.
- *Temporary detention.* Wards placed in temporary detention for misbehavior receive education through an alternative education plan. This is an ever-changing population, as wards are moved in and out of temporary detention on a continuous basis.
- *Self-contained classrooms.* These classrooms are an adjunct feature of special program facilities that provide mental health services, and the instructional schedule mirrors that of the conventional classroom.
- *Reception centers/clinics.* At California Youth Authority reception centers and clinics, the focus of the education activities is assessing the ward's education proficiency and determining the appropriate subject and grade level into which he or she should be placed upon arrival at a residential institution. The reception centers also provide a pre-education service to assess how the ward functions with peers in conventional classrooms.
- *Conservation camps.* Wards attend a full-day schedule of classes during afternoons and evenings outside the three- to four-month fire season.

⁸ Richard Kai and Robert Brown, Deputy Director and Assistant Deputy Director, Education Services Branch, California Youth Authority, interview, April 2004.

⁹ California Youth Authority, "Report on Education Funding Levels, Submitted in Response to the Supplemental Report of the 2002 Budget Act – Item 5460-011-0001," November 2002, page 8.

- **Community colleges.** Under cooperative agreements with local community colleges, the California Youth Authority provides coursework toward the Associate of Arts degree to wards who possess a high school diploma or who have earned a GED.¹⁰
- **Vocational training.** The California Youth Authority's high school curriculum once emphasized "hands-on" vocational education combined with regular course work, but due to the declining ward population and subsequent budget cuts, the number of vocational education instructors was dramatically reduced and the emphasis was shifted to obtaining a high school diploma.

The California Youth Authority's education programs have received high marks. In contrast to strong criticisms leveled at the California Youth Authority's custody practices and at the violence in its institutions, the department's education programs have received generally favorable assessments. In September 1999, a department publication noted, "the level of education in CYA is better than three years ago as there has been notable progress in education services provided and also in gaining greater acceptance within the community of educators throughout the state."¹¹ The authors of an independent review conducted for the California Attorney General in 2002 that assessed whether the department was providing adequate education opportunities to wards, commented: "the CYA is commended for its efforts to provide quality educational programming for the wards committed to its care."¹² The reviewers went on to note: "the overall quality of high school programming offered to general and special education wards by CYA is considered to be adequate. In some cases the programs being provided are exemplary."¹³ Those comments contrast sharply with assessments of the general environment in California Youth Authority facilities. One such assessment, an officially commissioned review, noted: "it is abundantly clear from a range of data that I collected as part of this review, the CYA is a very dangerous place, and that neither staff nor wards feel safe in its facilities."¹⁴

The department plans to combine education services with custody operations. Studies have shown that for education services to be effective in youth correctional facilities, they must receive primary focus and they must be administered separately from custody operations. Yet, the California Youth Authority is currently planning to place its Education Services Branch, which is responsible for education services in youth facilities, under the Institution and Camps Branch, which is responsible for custody and treatment programs. That proposal seems particularly ill-advised considering that the Institution and Camps Branch has been severely criticized for its failure to effectively operate treatment and custody pro-

¹⁰ Department of Youth Authority, "Draft, Major Capital Outlay Five-Year Plan, FY 2004-09," April 2004, pages C1-C2.

¹¹ California Youth Authority, Today, Director's Corner, September 1999.

¹² Thomas O'Rourke and Robert Gordon, "Education Program Review of California Youth Authority, Deputy Attorney General, California Department of Justice, 2002, page 3.

¹³ Ibid.

¹⁴ Barry Krisberg, Ph.D., "General Corrections Review of the California Youth Authority," December 2003, page 18.

grams. The branch has been successfully sued by the Prison Law Office for failure to provide proper conditions of confinement consistent with public, ward, and staff safety and is under scrutiny and review by the U.S. Department of Justice and the California Attorney General.

Other reforms in the education program are needed. Although assessments of the California Youth Authority's education program have been generally positive, a number of improvements are needed. The problems to be addressed include the following:

- *The year-round school year does not allow for teacher training and vacations.* The school year in California Youth Authority facilities runs 248 days compared to 184 days in local public schools. The year-round school session was instituted to address the serious education gaps typical of youthful offenders. The long school year generally allows students to take four courses per day and to complete approximately 60 credits a year toward the 200 credits required for high school graduation.¹⁵ But the long school session does not accommodate teacher vacations, scheduled breaks, and in-service training. As a result, classes are frequently cancelled because of teacher absences.
- *Teacher-student ratios are inadequate for special education.* The teacher-student ratios required under current department policy do not adequately take into account the lower ratios needed for special education programs. The base teacher-student ratio required at the California Youth Authority is 1:15 for regular education students and 1:12 for special education students. The California Attorney General's 2002 review of the California Youth Authority found that the teacher-student ratios do not take into account the different types of programs offered and that the number of regular and special education teachers allocated is not adequate to meet the required ratios. The base ratio formerly included a factor for teacher relief and substitute coverage, but that factor was eliminated in fiscal year 1988 budget reductions. At that time, the California Youth Authority did not provide education to students who were on restriction in program settings (special management program and temporary detention). Subsequent legal challenges in 1989 resulted in the requirement that all students receive education services regardless of program placement. For safety and security reasons, education services are now provided to wards in restricted program settings either individually or in small groups of no more than five students. As many as 1,000 of the wards presently in California Youth Authority facilities have been diagnosed with special education needs and many have two or more learning disabilities. The financial formula used to obtain teaching resources for these wards does not make adjustments for wards with multiple disabilities, but rather pro-

¹⁵ California Youth Authority, "Report on Education Funding Levels, Submitted in Response to the Supplemental Report of the 2002 Budget Act – Item 5460-011-0001, November 2002, page 10.

vides resources for only one disability. This severely affects the ability of the education program to provide necessary resources for wards with multiple disabilities.

- *Chronic shortages of qualified teachers.* The California Youth Authority has difficulty recruiting and retaining teachers, and as a result suffers from continual vacancies in specialties such as science, math, and English. The vacancies stem in part from the inability of the California Youth Authority to recruit and retain teachers because of competition from public school districts and from other state agencies. Public school districts offer higher salaries, added financial incentives such as sign-on bonuses and forgiveness of school loans as well as a shorter school year compared to the California Youth Authority. Comparable public school district pay scales average 4 to 10 percent higher than the California Youth Authority for a 184-day school year, compared to the 248-day school year at the California Youth Authority.¹⁶ Five of the 32 California Department of Corrections institutions offer a monthly enhancement of \$200 per teacher, and state-run schools under the Department of Education, such as the school for the blind and school for the deaf, give teachers monthly enhancements ranging from \$200-\$700.¹⁷

Just as low-performing public schools often experience a 15 to 25 percent turn-over in teaching staff, the disadvantages of working in a correctional environment also hamper the department's ability to recruit and retain teachers as teachers with high-level skills are recruited to more favorable settings.¹⁸ As a result, the California Youth Authority frequently resorts to hiring part-time teachers, administrators, and school psychologists, who "moonlight" from other jobs.

State fiscal policies also impede the department's ability to maintain an adequate teaching staff. Under present policies, one teacher position is eliminated each time the youthful offender population at a facility is reduced by 15. During fiscal years 2002-03 and 2003-04, 106.8 teacher positions were eliminated because of the reduced youthful offender population. Those staffing reductions disproportionately affected the areas of English, special education, and math.¹⁹

The continuing vacancies in important classifications impede the ability of the California Youth Authority to meet its obligation to provide quality education

¹⁶ Thomas, Robert, O'Rourke and Gordon, "Education Program Review, California Youth Authority," page 5.

¹⁷ Karen Sanders, Staff Personnel Program Analyst, Department of Personnel Administration, telephone conversation, May 2004.

¹⁸ National Governors Association Center, Reaching New Heights - Turning Around Low-Performance Schools, August 2003.

¹⁹ Thomas, Robert, O'Rourke and Gordon, "Education Program Review, California Youth Authority," page 8.

services and make it difficult for students to complete courses needed for graduation.

- ***Security issues and medical appointments interfere with class attendance.*** The California Youth Authority has set a school attendance goal of 90 percent, but classes are frequently cancelled because of teacher absences, facility maintenance activities, and security reasons. A recent six-month review of monthly school attendance at the California Youth Authority found that 20 to 30 percent of the wards were absent from school each day. The authors of the review commented: *“it is evident that education is not the primary focus during the school day”*.²⁰ The reviewers identified three main reasons for school absences:
 1. Wards are scheduled to attend medical or counseling appointments, work assignments and hearings mandated by the Youthful Offender Parole Board during scheduled class time.
 2. Wards are removed from school because of correctional incidents resulting in temporary lock downs.
 3. Wards refuse to attend school. The report noted that allowing school to be “optional” appeared to be unofficial practice at California Youth Authority institutions.²¹

Recommendations

The Corrections Independent Review Panel recommends that the new Department of Correctional Services make education a priority, not an option. Accordingly, the director should develop collaboration and program guidelines designed to enforce school attendance. Specifically, the panel recommends that the department take the following actions:

- Establish a separate unit in the Office of the Director of Youth Operations to develop and implement educational and vocational training programs proven to be effective in the treatment of youthful offenders.
- Develop a “school first policy” to reduce student absenteeism. Measures to be taken should include a master schedule for each institution that plans activities around the school schedule to avoid interruptions in the school day for counseling, medical, board hearings, and work activities. Non-emergency deviations from the master schedule should require supervisory approval.

²⁰ *Ibid.*, page 8.

²¹ *Ibid.*, page 9.

- Develop an operational plan to facilitate school re-entry after group disturbances for the use of all institutions and mandate its application.
- Develop a multidisciplinary intervention team to provide assessment, counseling, and incentives to improve school attendance when wards are absent more than three times in any semester.
- Determine the most effective teacher-student ratios for general education, special education, and segregated program settings, including an accurate formula for counting wards with multiple disabilities.
- Determine the most effective substitute teacher relief ratio to cover teacher absences.
- Institute financial incentives to recruit and employ more dual-credentialed teachers in core academic areas who are capable of instructing both regular and special education wards.
- Enhance options for recruiting qualified teachers through a student teacher employment incentive program, such as a 20/20 program providing for 20 hours of work and 20 hours of school per week.
- Establish a regular 220-day school year calendar to be followed by all California Youth Authority schools.

Fiscal Impact

Enhancing teacher-student ratios and providing financial incentives to recruit and retain qualified teachers are likely to result in additional state expenditures, but effective education is also more likely to reduce recidivism among youthful offenders. The average time wards serve in the California Youth Authority is 29 months, at an annual cost of \$66,000 to \$80,000 per ward, which equates to as much as \$193,000 per ward for the entire commitment term. If improved education services reduce annual recidivism by only 20 wards the State would save \$3,860,000. From this cost breakdown, it is easy to see that educational programs have the potential of paying for themselves in a short time.

To fully establish fiscal implications related to this proposal the new Department of Correctional Services should assess the number of teachers required to meet recommended teacher-ward ratios and determine the number of additional teachers required. Following are cost estimates related to given assumptions:

- *Increase the number of special education segregated program settings teachers.* The California Youth Authority is currently requesting 85 additional teacher

positions to address deficiencies in general population, special education and segregated program settings.²² Assuming that 60 percent of the additional teachers would be assigned to segregated program and special education program settings, and the annual cost per teacher (including benefits) is approximately \$80,000, this recommendation would cost the state \$4,080,000 annually (51 teachers x \$80,000).

- ***Increase the number of substitute teachers.*** A 15 percent relief factor allowing for substitute teachers is based on a total of 215 teachers system wide. This would result in 32 substitute teacher positions, for a total annual cost of \$1,920,000 (32 teachers x \$60,000, as the average rate of pay for substitute teachers is less than that of full-time teachers.)
- ***Improve recruitment of dual-credential teachers.*** Assuming an annual turnover of 10 percent and \$3,000 per teacher in financial incentives this recommendation would cost the state \$63,000 annually (21 teachers x \$3,000).
- ***Improve teacher retention.*** A five percent retention pay per teacher would cost the state \$725,625 annually (215 teachers x \$3,375).

Counseling and Treatment Services

The new Department of Correctional Services will continue to have the statutory obligation of protecting public safety by providing training and treatment to youthful offenders. That mission is as valid today as it was when the California Youth Authority was established in 1941. In recent years the department has fallen behind in carrying out those responsibilities. During that time, the department has been repeatedly challenged by the U. S. Department of Justice, the Office of the Inspector General, and youth advocacy organizations such as the Prison Law Office, for failing to meet national standards in providing “best practices” treatment services. In general, it is clear that wards with complex mental health problems are not receiving adequate treatment from trained and licensed professionals and that wards with less severe problems who are housed in the general population are not receiving adequate counseling from the non-professional youth counselor staff.

National standards for juvenile corrections represent the minimum conditions and best practices found to be effective in the rehabilitation of juvenile offenders. In the area of treatment, the standard is to provide activities and interventions that target risk factors by using treatment models demonstrated to be effective in reducing recidivism. The treatment models use cognitive behavioral approaches, family involvement, and structured after-care.²³

²² Bill Costa, Assistant Superintendent, Education Services Branch, California Youth Authority, telephone conversation, May 2004.

²³ California Youth Authority, “The New Youth Authority Proposal,” National Standards, American Correctional Association, *Standards for Juvenile Training School*, 1991.

The delivery of specialized treatment at the California Youth Authority is based on a continuum of care model with multiple levels of care provided by department staff, but a number of deficiencies have been identified in the department's implementation of the model. As a result of the *Farrell v. Harper* court action filed by the Prison Law Office, a formal review of California Youth Authority treatment services was conducted by a panel of experts under the direction of the California Attorney General as part of a general corrections overview of department practices. The inquiry compared current conditions in the California Youth Authority to accepted standards of service in the field of juvenile corrections. The panel's findings are now being used as the basis for a negotiated settlement (consent decree) to reform California Youth Authority practices. That inquiry and other assessments conducted by experts have identified the following deficiencies in the department's treatment program.

- ***Treatment planning.*** Treatment planning is the process of identifying reasons a youth needs treatment and developing a plan to address the youth's symptoms and emotional disorders by setting specific treatment goals. The inquiry experts found: "Despite the screening, assessment and specialized assessments being done, treatment planning...is not evident in the clinical records of youth in CYA. Treatment planning requires significant improving."²⁴
- ***Case management.*** Case management entails the coordination and monitoring of rehabilitation needs identified by court documents, as well as the treatment and educational needs assessed through screenings and assessments initially conducted at California Youth Authority reception center/clinics and at subsequent institutional settings. Maintaining consistent communication among clinical, educational, and custody staff is a key component of case management. The review experts found, however, that at the California Youth Authority "case management standards are inconsistently applied from institution to institution and are in need of significant improvement."²⁵
- ***Crisis management.*** Crisis management requires that facilities, consistently and in a well-monitored manner, address, assess, develop and implement programs to prevent youths from engaging in behaviors that place them or others at risk of harm. In reviewing the department's crisis management policies and procedures, the California Attorney General's review experts found the California Youth Authority policies and procedures related to suicide prevention to be inadequate.

Suicide prevention. California Youth Authority wards are at high risk of suicide because of stressful situations related to incarceration. The risk is

²⁴ E.Trubin, and Raymond Patterson, "Report of Findings of Mental Health and Substance Abuse Treatment Services to Youth in California Youth Authority Facilities," December 2003, page 5.

²⁵ *Ibid*, page 5.

compounded by the background histories of juvenile offenders, which are riddled with violence, physical abuse, emotional instability, substance abuse, mental health disorders and impulsive behavior. It is also important to consider suicide risk in the context of the general youth population. Suicide ranks as the third leading cause of death for adolescents (behind accidents and homicide) and is the most frequent cause of death in youth incarceration facilities in the United States.²⁶ As with adults, the majority of adolescent suicides are committed by males. Among 15-24 year olds, males commit 73 percent of suicides. The reverse is true of attempted suicides, with females more likely to attempt suicide.

Combined, these factors make suicide prevention in youth correctional institutions a difficult challenge. Most suicide attempts at the California Youth Authority are by hanging, which requires an immediate response to avoid a fatality. Medical evidence shows that brain damage from strangulation can occur within four minutes, and that death can occur within five to six minutes.²⁷ From May 1996 through January 2004 there were 14 suicides in California Youth Authority institutions, with six suicides occurring in the past five years. Between January 2001 and December 2003, there were also 172 suicide attempts.²⁸

In light of these circumstances, the California Attorney General's review experts examined whether the California Youth Authority's suicide watch policies and procedures were adequate and whether they are being properly implemented. The reviewers concluded as follows:

*[The]CYA is currently effectively designing appropriate policies and procedures to address the issue of suicide....and...what remains to be addressed are the implementation and consistent monitoring, supervision, and quality assurance that will sustain the policy in practice at a high level of performance compliance.*²⁹

In suicide prevention, the consensus of industry experts is that those who are actively suicidal — either threatening or engaging in suicidal behavior — should be put under continuous, uninterrupted observation. Best practice for suicidal wards requires a level of therapeutic programming greater than isolation and watch and calls for reintegration activities for

²⁶ American Association of Suicidology, May 2004.

²⁷ Department of Youth Authority, "Spring Finance Letter, Institutions and Camps Branch, Fiscal Year 2004-05, Civil Rights for Institutionalized Persons Act Action Plan," page 13. .

²⁸ Rudy Haapanen, Ph.D., Chief of Research, Department of Youth Authority, May 2004.

²⁹ E. Trupin Ph.D., and R. Patterson M.D., Mental Health Services and Substance Abuse Treatment Services to Youth in California Youth Authority Facilities, Page 17, December 2003.

wards who may still be at suicidal risk but who will not be made better by simple lock-up and observation. In contrast, California Youth Authority policy has been to isolate suicidal wards in camera rooms where they are observed only at five-minute intervals. As a result of a U.S. Department of Justice finding that the department's isolation of wards is punitive, the department is requesting a budget augmentation to allow a designated staff person to provide continuous direct observation when the ward is not in a suicide-safe room. In assessing the department's suicide prevention measures, the California Attorney General has noted, "the CYA have developed appropriate policies, but the application of these policies must be assured."³⁰

Violence prevention. Several studies have addressed the general issue of violence at California Youth Authority facilities. As noted earlier in this chapter, one such assessment concluded that "the YA is a very dangerous place and that neither staff nor wards feel safe in its facilities." The author of that assessment based the conclusion in part on a 2002 data-driven study of violent incidents at six institutions in which rule violations for ward-on-ward assault and battery had been sustained under the department's disciplinary decision-making system. During that period, more than 4,000 such infractions occurred — at least 10 a day.

The California Attorney General's review experts found that the department lacks an appropriate classification system for security and programming and that fear of violence, especially of gang behavior, dominates the thinking of the living unit staff. As a result of the lack of a structured classification process, the assessment concluded that decisions are made on an *ad hoc* basis.³¹ The assessment concluded that there is no conflict between an objectively weighted classification instrument for each ward and the department's primary mission to provide high quality treatment and education within a safe environment. An effective classification system, the assessment concluded, would enable the California Youth Authority to be more effective in determining security and custody needs in housing wards, and would thereby reduce the danger to wards and staff and increase public safety. The reviewers noted that the classification instrument should classify youths into differing levels of risk for escape and serious institutional misconduct, particularly assaults on staff and other wards.

³⁰ *Ibid.*

³¹ Barry Krisberg, Ph.D. "General Corrections Review of the California Youth Authority," December 2003, p.18.

- *Youth development and treatment programs.* National standards require juvenile institutions to operate a well-defined, incentive-based behavior management program covering all domains in which juveniles function. The goal is to provide opportunities for juveniles to learn and practice effective behaviors that promote self regulation and pro-social conduct in most aspects of daily living. Toward that end, the standards should cover unit activities, recreation, school, and group programs.

The department's behavior management program is deficient. The California Attorney General's review experts found the department's behavior management program to be inadequate. The California Youth Authority uses a phase system in living unit programs in which wards advance from lower phases to higher phases through positive behavior. But the review experts found that incentives were not consistently applied and that cognitive behavioral principles were not being consistently implemented. The reviewers concluded that the line staff had not been adequately trained by clinicians to help youths handle anger and frustration in the group living environment.

Wards do not receive adequate counseling services. A number of studies have shown that California Youth Authority wards do not receive appropriate counseling services. Management review audits of several California Youth Authority institutions by the Office of the Inspector General between 2000 and 2003 found that youth counselors did not provide basic small group or individual counseling to wards.³² To address that problem, the department developed a treatment and programming approach called the "Enhanced Casework Pilot Program," which separates the roles of youth correctional officers from those of youth counselors. The change assigns to youth correctional officers the primary responsibility of group supervision and allows youth counselors to conduct more group counseling, have more individual contact with wards, and devote more time to developing and monitoring individual and case plans. The Corrections Independent Review Panel found that the pilot program has shown encouraging results. Wards participating in the program have been involved in four times as many hours of treatment than before, have earned many more time credits for good behavior, and have incurred fewer time adds for serious disciplinary infractions.

The department lacks appropriate treatment programs. Timely access to appropriate care is a critical test of the constitutionality of a medical and mental health care services program. At present, the California Youth Author-

³² Office of the Inspector General, Management Review Audits of: Herman G. Stark Youth Correctional Facility, October 2000, page 24; Ventura Youth Correctional Facility, June 2002, page 4; Fred C. Nelles Youth Correctional Facility, July 2002; pages 6-7; Southern Youth Correctional Reception Center and Clinic, March 2003, pages 4-5.

ity does not have the right blend of programs to consistently provide wards with appropriate care and therefore does not meet this standard. The department's medical and mental health treatment programs provide the following treatment beds:

- Department of Mental Health – 10 beds at state hospitals
- Correctional treatment centers – 33 beds
- Intensive treatment programs – 225 beds
- Special behavior treatment program – 35 beds
- Special counseling program – 300 beds
- Sex offender program – 207 beds
- Substance abuse program – 370 residential beds
- Outpatient housing units for general population wards – 61 beds
- General population – 2,000 beds

Sex offender treatment is inadequate. The department measures whether the number of treatment beds is sufficient to accommodate all wards needing services by the number of wards on program waiting lists. By that standard, the number of beds is adequate except in the area of sex offender treatment. Under California Welfare and Institutions Code Sections 727.2 and 6000, the California Youth Authority must provide juvenile offenders committed for sexually violent offenses with sexual offender treatment consistent with specified protocols. At present, however, the majority of sex offenders are housed in the general population with no formalized treatment. A study conducted for the California Attorney General in September 2003 by a nationally recognized expert concluded that the department does not offer adequate sex offender treatment to all of the wards covered by the statutory requirement. The study showed that 207 wards were receiving sex offender treatment, but that an additional 624 wards in need of sex offender treatment were not receiving it. The study noted other deficiencies in the sex offender treatment programs:

[T]he programs do not meet current standards of practice even minimal ones....programs are understaffed, there is a lot of staff turnover, some of the staff is not appropriate to work with the population and some are not trained to do so....the total treatment environment must be integrated so that 24 hours a day there are constant opportunities to apply therapeutic interventions and newly learned skills....the current therapeutic CYA culture has allowed a counter-productive prison culture to develop, which is reactive rather than proactive and punitive rather than cultural.³³

³³ Jerry Thomas, California Youth Authority, Evaluation of Sex Offender Programs, September 2003.

To address the deficiencies in the sex offender treatment programs, the California Youth Authority has issued a fiscal year 2004-05 budget change proposal that would standardize sex offender treatment in the facilities and ensure that all sex offenders in California Youth Authority institutions receive treatment.

Other deficiencies in the department's mental health programs. A number of other studies have also found deficiencies with the California Youth Authority's mental health treatment programs. A Stanford University study found that the organizational culture of most California Youth Authority facilities is not conducive to mental health treatment and that treatment services throughout the California Youth Authority are fragmented.

An investigation conducted by the U.S. Department of Justice in August 2003 into compliance with the Civil Rights for Institutionalized Persons Act at the California Youth Authority's N.A. Chaderjian Youth Correctional Facility found a number of deficiencies in the area of mental health. The investigation found the following specific problems:

- A lack of registered nurses in the intensive treatment and specialized counseling programs, resulting in the inability to deliver bedtime medications at appropriate times.
- The housing of mentally ill wards in special management programs and in temporary detention (lock-up) units that appeared to lack specialized mental health treatment services.
- Lack of treatment services for developmentally disabled wards.
- The inappropriate placement and isolation of wards on suicide watch into temporary detention and the use of handcuffs and force on wards on suicide watch.

The issues of nursing coverage and care of mentally ill wards are discussed further in *Chapter 6, Risk Management and Health Care*.

Treatment services for developmentally disabled wards. The California Youth Authority defines developmental disabilities as disabilities attributable to a mental or physical impairment, manifested before age 22, likely to continue indefinitely, resulting in substantial limitation in three or more specified areas of functioning, and requiring specific and lifelong extended care. The department has documented that 1,000 wards presently receive special education services. Of that population, seven have been identified as mentally developmentally delayed and six others suffer from a traumatic brain injury that

leaves them developmentally disabled. A lawsuit against the Department of Corrections has established that the Americans with Disabilities Act applies to the developmentally disabled population and that correctional agencies must provide support services for those with physical or mental disabilities.³⁴

The U.S. Department of Justice recommended that developmentally disabled wards be programmed in a separate living unit with specialized services. The department does not yet have a specific program to meet the specialized needs of this ward population.

Recommendations

The Corrections Independent Review Panel recommends that the new Department of Correctional Services take the following actions to improve counseling and treatment services for wards.

- Ensure that treatment services provided to wards conform to national standards and are appropriate for addressing the complex problems of youthful offenders.
- Provide appropriate assessment and placement and programming of wards identified as suicide risks.
- To reduce ward-on-ward violence, develop a research-validated security classification instrument to be used in scoring each ward.
- Establish programming for group living environments that effectively promotes pro-social behavior.
- Institute system-wide a program similar to the “Enhanced Casework Pilot Program” to improve individual and group counseling services for wards.
- Develop treatment services specifically for developmentally disabled wards.
- Ensure that effective treatment services are provided to wards identified as sex offenders.

Fiscal Impact

Implementing the panel’s recommendations would enhance treatment and counseling services for wards and create potential long term savings by reducing disciplinary incidents and helping wards earn earlier releases. More effective treatment will improve safety for staff and wards and contribute to lowering recidivism. Instituting best practices treatment

³⁴ *Armstrong vs. Wilson*, 1997.

and counseling services will also assist the Department of Correctional Services in complying with the forthcoming consent decree, thereby reducing costs associated with court-ordered monitoring and the potential for future litigation.

Costs associated with implementing the recommendations include the following:

- Costs for developing treatment services for developmentally disabled wards. The panel recommends that the department convert an existing program for this purpose. Approximately 40 hours of training would be needed for the staff.
- Costs to provide continuous direct observation of suicidal wards when they are outside a secured suicide watch room. The annual cost for a designated staff member to provide the additional coverage is estimated to be \$19 million. The cost assumes two additional hours of coverage per day for each day after the first day a ward is placed on suicide observation. Coverage is required 12 hours per day for every day after the first day the ward is on suicide observation.
- Costs for providing appropriate treatment to sex offenders is projected to be \$3.4 million. The cost assumes that treatment could be provided on an outpatient basis and that 33 staff positions would be needed.

Parole Services

The purpose of the Parole Services and Community Corrections Branch is to protect the public while helping parolees in returning to the community. The panel reviewed the functional operations of the California Youth Authority Parole Branch and identified several areas that need improvement.

Wards who have been incarcerated in California Youth Authority institutions are generally the most serious and violent offenders in the juvenile justice system. The department currently provides parole services to approximately 4,200 wards through 16 parole offices located throughout California. The parole offices are divided into two regions: the northern region, which supervises approximately 1,880 parolees, and the southern region, which supervises approximately 2,200 parolees. The northern region is comprised of seven field offices encompassing 47 counties, including the Bay Area, the Central Coast, Northern California, and the San Joaquin Valley. The southern region includes nine field offices covering 11 counties, including Los Angeles, San Luis Obispo, Santa Barbara, Ventura, San Diego, and Imperial counties.³⁵

Parole agents assigned to each parole office must work closely with local law enforcement to enforce conditions of parole, protect the community, and broker community resources to promote the ward's successful integration into society. All 16 parole offices provide core parole services. A detailed description of these services and other programs offered by the California Youth Authority are listed in Appendix A.

At present, the authority to grant or revoke parole rests exclusively with the Youth Authority Board in accordance with California Code of Regulations, Title 15, Section 4966, and California Welfare and Institutions Code Section 1723. The parole hearing process, which includes setting projected parole dates, involves both the Youth Authority Board and the California Youth Authority staff. The projected parole date, also called the "projected board date," is based on the ward's committing offense. Absent from this phase of the process is the committing court and community probation resources. A more coordinated effort and partnership involving the committing courts, local community resources, and the California Youth Authority would improve case management and provide a more effective continuum of treatment services.

At present, counties do not have the option of supervising non violent wards. The California Youth Authority is presently responsible for supervising all wards released from state youth correctional facilities and returned to communities. These wards remain under the jurisdiction of the California Youth Authority rather than the counties. Instead, non violent wards could be returned to counties for probation services upon release from state youth correctional facilities. The California Youth Authority could pay counties a pre-determined

³⁵ California Youth Authority, Parole Services and Community Corrections Branch, document revised, April 2004.

“rebate” for every non-violent ward (presently designated as Categories 5, 6, and 7) for whom the county agrees to provide parole supervision and services. The change would enable the new Department of Correctional Services to re-direct resources and supervision to high-risk parolees in Categories 1, 2, 3, and 4, thereby improving the likelihood of success for these offenders (Appendix B.)

The current parole population of non violent, Category 5, 6, and 7 wards totals approximately 1,740. Field parole agents who provide parole supervision are spread out over a large geographical area, making it difficult for remote areas to be covered. With responsibility for this parole population removed, parole positions could be reduced proportionately and the additional resources could be re-directed to high-risk parolees to lower the ward-to-parole agent ratio.

Counties are not paying the true cost incurred by the state for supervising wards. The sliding fee scale outlined in California Welfare and Institutions Code Section 912.5 and in Title 15 of the California Code of Regulations does not reflect the actual cost incurred by the California Youth Authority for treatment, training, and supervision of lower level wards. The sliding fee scale designates specific percentages of a pre-determined per-capita cost incurred by the California Youth Authority to be reimbursed to the state by each county.³⁶ The base cost in the sliding scale fee is \$36,500 yearly and counties pay a flat fee of \$175.00/month for all high risk commitments. Counties pay 50 percent, 75 percent, or 100 percent of the per capita cost for non-violent wards classified respectively in Categories 5, 6, and 7. (A new provision to this section, enacted on July 1, 2003, allows for annual review of actual costs incurred and subsequent adjustment of the pre-determined base amount for the sliding scale).³⁷

The sliding fee scale was introduced in 1997 to encourage counties to find alternatives to California Youth Authority commitment for non-violent offenders and appears to have had that effect. An estimate of future overall youthful offender population shows a continuing decrease in the California Youth Authority population (See Appendix C, Table 1). Conversely, the more violent ward population continues to rise. That fact, coupled with the development of increased services for more troublesome wards, has increased the true cost incurred by the Youth Authority to house each ward. Current estimates of actual per capita costs range between \$66,000 estimated by the California Youth Authority³⁸ and \$80,000³⁹ estimated by the Juvenile Justice Reform Group and Kevin Carruth, Undersecretary of Youth and Adult Corrections Agency. Both figures far exceed the current \$36,500 per capita reimbursement rate (Appendix D.)

³⁶ Welfare and Institutions Code Sections 912, 912.1, 912.5

³⁷ *Ibid.*

³⁸ Sheryl Ward, Chief of Financial Services Management, California Youth Authority, telephone interview.

³⁹ Juvenile Justice Reform Group meeting, April 1 2004, participants' notes.

Given these circumstances, an upward adjustment to the sliding fee scale of 25 percent to \$50,000 is warranted. This prudent adjustment will continue to encourage counties to reduce the number of non violent youthful offenders sent to the California Youth Authority without making the cost prohibitive and will encourage local program development. The option of sending the most difficult, unmanageable youth that the county cannot effectively program will remain affordable.

Judges and probation officers have no role in decisions to continue incarceration. The California Youth Authority has not been mandated to involve local courts, judges, and probation officers in the treatment and incarceration of youthful offenders. One superior court judge noted recently in correspondence to Senator Gloria Romero that local juvenile justice systems are not afforded the opportunity to oversee or be involved in decisions affecting wards committed to the California Youth Authority.⁴⁰ In most cases, the committing court hears little about wards committed to the California Youth Authority until they are in trouble again. Much to the same extent, county probation departments are also left out of the loop about wards until they receive a notification of additional charges because the ward's stay at the California Youth Authority has been extended. According to Dr. Barry Krisberg of the National Council on Crime and Delinquency in correspondence to G. Kevin Carruth, Undersecretary of Youth and Adult Corrections Agency, most judges would welcome the chance to interact with youthful offenders throughout all stages of the juvenile justice system.⁴¹ Furthermore, the concept of coordinating efforts and increasing community involvement seems to be the resounding theme among youthful offender advocates, employees of the California Youth Authority, and the Department of Finance.

At present, there is no effective partnership between the California Youth Authority, the courts, and county probation departments and communication between these entities is minimal. The cost of this disconnect is the loss of valuable resources and services for youthful offenders paroled from California Youth Authority institutions. The amount of additional time wards serve in California Youth Authority institutions for misbehavior varies. Many receive much more time. At present, 540 California Youth Authority wards will serve all of their available confinement time due to time extensions for disciplinary or treatment reasons.⁴² Often, these time extensions are unknown to the counties until they receive a request for payment of services provided.

Partly because of these extensive time adds, Senate Bill 459, which went into effect on January 1, 2004, provided for the new Youth Authority Board to serve as the second and final review level to hear appeals regarding treatment and training and disciplinary time extensions. The Corrections Independent Review Panel has concluded that this appeal process should be retained, but that for wards in Categories 5-7, the decision of the Youth Authority Board will be reviewed by the committing court.

⁴⁰ Judge Leonard Edwards, Judge, Santa Clara Superior Court, letter to Senator Gloria Romero, March 1, 2004.

⁴¹ Electronic mail from Barry Krisberg to G. Kevin Carruth, re: Juvenile Justice Reform Workgroup, March 29, 2004.

⁴² Sue Easterwood, California Youth Authority, electronic mail re: Maxed Out, May 11, 2004.

When wards are referred for return to the county for probation, the California Youth Authority should reimburse the county \$5,000 annually for aftercare services provided to each ward.⁴³ A caveat to this recommendation is that probation officers not be granted the authority to revoke probation and refer wards directly to the California Youth Authority for revocation, but instead may refer the case to the court for review and recommendation. The presiding judge may hold the commitment to the California Youth Authority in abeyance, conditional on successful completion of probation.

Recognizing that some counties are not equipped to provide these services, and that the needs of some wards may be greater than the capacity of county probation services to provide, the state should encourage counties to develop “joint use facility agreements” with adjoining counties to provide aftercare services. Counties also should be allowed to contract with the California Youth Authority for parole services in accordance with a “needs assessment” conducted for the ward.

The California Youth Authority has lost valuable parole resources to budget cuts. In the past four years, the California Youth Authority has lost a number of parole resources as a result of budget cuts. Programs such as the “Transitional Residential Program” and “Fouts Springs” offered pre-release planning and other options in lieu of re-institutionalizing for parolees who violate technical conditions of parole. The programs were similar to the traditional half way houses but offered stronger treatment, educational, counseling and job assistance components.⁴⁴ The Transitional Residential Program, established in 1982 in Los Angeles County, provided pre-parole placement in a residential center operated by Volunteers of America, Inc. The program provided employment development services, job referrals, counseling services, and 24-hour supervision for up to 34 wards. Participants were required to seek full-time employment and, upon obtaining employment, were responsible for their transportation costs. After a ward successfully completed the program, the parole agent made a recommendation for parole consideration to the Youth Authority Board. Although the Transitional Residential Program did not formally track participants, the former administrator estimated that 75-80 percent of program graduates had not re-offended within a year of completing the program. Anecdotal evidence indicates that most participants maintained employment and often were promoted to jobs earning a higher wage.⁴⁵ The program was discontinued because of budget cuts.

Fouts Springs was developed in 1987 to fulfill a need for drug treatment options for northern California parolees having a substance abuse history. The program offered 90-day drug

⁴³ Zlatko Theodorovic, Department of Finance Budget Analyst and Ms. Sheryl Ward, Chief of Financial Services Management, California Youth Authority, telephone discussions.

⁴⁴ Parole Services and Community Corrections Branch, document provided by Mike Cardoff, California Youth Authority parole agent III, May 2004.

⁴⁵ According to Allen Breed, former California Youth Authority Director and nationally recognized court monitor, the lack of solid research to support best practices is one of the difficulties in the California Youth Authority. Allen Breed, letter to former Governor George Deukmejian, May 11, 2004.

treatment in a partnership between the California Youth Authority and Fouts Springs Youth Correctional Facility. The program was operated by Solano and Colusa counties as a relapse option in lieu of parole revocation. The cost benefits of this short-term program were significant when compared with the cost of re-incarcerating wards for a period of 6 to 12 months for technical parole violations involving substance abuse. For wards, a return to custody counts as a parole failure, whereas the Fouts Springs program was in lieu of revocation. This program was also discontinued due to budget constraints.

The California Youth Authority needs more specialized Parole Agent IIs. The California Youth Authority presently does not have enough specialized Parole Agent IIs to adequately supervise sex offenders and mentally ill wards on parole. Providing treatment, supervision, and critical services to sex offenders paroling from California Youth Authority institutions is critical to the parolee's re-integration into the community, and only Parole Agent IIs receive specialized training for that purpose. Inside the institutions, sex offenders receive treatment and training designed to address the urge to offend. Aftercare treatment, provided to parolees by Parole Agent IIs, who have been trained in the sex offender curriculum, is designed to reinforce the concepts, therapeutic issues, and relapse prevention techniques. As of April 5, 2004, there were 381 sex offenders in the department's parole population, yet eight parole offices have no specialized Parole Agent IIs to provide sex offender services, thus breaking the continuum of treatment.⁴⁶ It is critical this group of offenders be afforded highly individualized parole services and that treatment services be continued.

Recommendations

The panel recommends that the state take the actions listed below to improve the ability of the California Youth Authority Parole Branch to meet the specialized treatment and mental health needs of the wards under its supervision. The recommendations are intended to create a more effective partnership with county probation and court services to enable wards released from California Youth Authority institutions to be better served in their local communities.

- Adjust the sliding fee scale used to determine how much a county pays the state for housing non-violent wards in the California Youth Authority from \$36,500 to \$50,000 to more accurately reflect the actual cost of those services.
- Grant committing courts sole authority and final review for revoking parole or probation or for extending length of stay at the California Youth Authority for wards in Categories 5, 6, and 7.
- Encourage counties to develop joint-use facility agreements or to contract with adjoining counties to provide aftercare services for parole services.

⁴⁶ Parole Services and Community Corrections Branch North and South Regions, January 2004

- Provide funding in each parole region for entry programs, aftercare services, transition programs such as half-way houses, and alternatives to parole revocation. The services should include employment assistance and short-term substance abuse treatment.
- Increase the number of specialized Parole Agent IIs by eight to provide services for sex offenders and wards with mental health problems. Each field parole office should have one specialized parole agent II to supervise and provide training and resources to sex offenders and mentally ill parolees.
- Give counties the option of providing parole supervision for non-violent wards in Categories 5, 6, and 7. The state should subsidize the cost of probation services offered by the counties.
- As a result of allowing counties to provide parole supervision for non-violent wards, cut the number of parole agent positions proportionately and allow some of those positions to be re-directed toward the more violent high-risk offenders (Categories 1, 2, 3, and 4) in order to lower the ward-to-parole agent ratio.

Fiscal Impact

Although a detailed financial analysis would be necessary to determine the actual costs and savings associated with these recommendations, the Corrections Independent Review Panel estimates that the recommendations would result in an annual savings of approximately \$4.5 million. The expected savings can be summarized as follows:

- *Adjustment to the sliding fee scale.* Increasing the sliding scale fee that counties pay the state for housing non-violent wards from \$36,500 to \$50,000 so as to more accurately reflect the actual cost of those services would provide an estimated \$9,568,698 in increased annual revenue to the state. The estimate is based on average daily population estimates for the spring of fiscal year 2004-05 (Appendix C). The totals can be broken down as follows:

Category 5 = \$4,651,815 increased revenue to the California Youth Authority
Category 6 = \$4,575,144 increased revenue to the California Youth Authority
Category 7 = \$341,739 increased revenue to the California Youth Authority
Total = \$9,568,698 increased revenue to the California Youth Authority

- *Funding for entry programs, aftercare services, and transition programs.* Funding for entry programs, aftercare services, transitional programs, and alternatives to parole revocation could result in significant savings. Savings of approximately \$45,000 annually (\$3,800 per month) could be realized for each available bed in a transition program similar to the Transitional Residential Program. Assuming the availability of 34 beds, annual savings would amount to an estimated \$1.55

million. Entry and aftercare service programs would create off-set possibilities to decrease state costs and improve services to parolees. The Transitional Residential Program charged approximately \$1,200 per month to provide each ward with food, housing, and personal expenses, whereas the average monthly cost to house wards in a dormitory setting in a California Youth Authority institution is approximately \$5,000 per month.⁴⁷

A savings of \$27,600 annually (\$2,300 per month) would be realized for each available bed in a program similar to the Fouts Springs program, which offered drug treatment as an alternative to parole revocation. Assuming the availability of 44 beds, annual savings would be an estimated \$1.2 million.⁴⁸ The Fouts Springs program charged approximately \$2,700 per month to provide each ward with housing, treatment programming, and medical care, compared to approximately \$5,000 to house wards in a California Youth Authority institution dormitory setting.

- ***Increasing Parole Agent II positions.*** Increasing the number of Parole Agent II positions by eight, to provide sex offender and mental health services is expected to initially increase state expenditures by approximately \$528,000 (\$5,500/monthly base salary \times 12 months \times 8 positions). Over time, this expenditure would be expected to be offset in the form of reduced criminal acts and recidivism for parolees receiving the services.
- ***Subsidizing county probation services.*** Assuming that all 1,740 non-violent wards presently under California Youth Authority parole supervision could be served instead through county probation services subsidized by the state, a net rebate of \$8.7 million would be returned to the counties. That amount equates to 28 percent of the California Youth Authority's \$31 million parole budget and is based on \$5,000 per parolee.
- ***Cutting and re-directing parole agent positions.*** Reducing the number of California Youth Authority parole agent positions by a number proportionate to the number of wards supervised through county probation services instead of through California Youth Authority parole services and re-directing some of the positions to the more violent ward population would result in an estimated savings of \$1,440,000. The estimate assumes a 40 percent reduction in the present staff of 120 parole agent positions, for a reduction of 48 positions, and a re-direction of 50 percent of that number (24 positions) toward more violent youthful

⁴⁷ The \$5,000 per month rate was used as the cost of housing wards for purposes of this fiscal estimate because wards eligible for transitional programs would not have specialized treatment needs, would not be sex offenders, and would have a low violence potential and low escape risk.

⁴⁸ Parole Services and Community Corrections Branch, document provided by Mike Cardoff, Parole Agent III, California Youth Authority, May 2004.

offenders in the parole population. The change would result in a net reduction of 24 parole agent positions, with a total of 96 positions remaining. The estimated savings is based on a \$5,000/month Parole Agent I base salary. Additional savings would be expected through reduced recidivism resulting from improved services to parolees and a decrease in the parole agent caseload.

Appendix

This Appendix is divided into four sections;

- A. Parole Services offered at California Youth Authority parole offices.
- B. California Code of Regulations, Title 15, explanation of California Youth Authority Categories 1-7.
- C. Tables depicting the California Youth Authority population and administrative staffing.
- D. Estimates of county sliding fee payments.

Appendix A

Parole Services

Gang Investigation and Apprehension Unit. Each parole region operates a gang investigation and apprehension unit. The primary focus of the unit is aggressive investigation and apprehension of missing parolees and institutional escapees. The gang investigation and apprehension unit collaborates with state, federal and local law enforcement, including county probation departments.

Intensive Re-entry Caseload. Intensive re-entry is designed to increase public protection by early detection and prevention of parole violations, and to provide maximum services during the most critical period, e.g., the transition from institutional to community living. Caseload ratios are 1:15. Each parole unit provides intensive re-entry services, in areas where it is geographically feasible. This program averages 90 days in duration, and is dependent upon the service needs of the wards released to parole. Intensive re-entry services include two contacts per week for the first 30 days and weekly contacts for the duration of the re-entry period. Also included is twice monthly substance abuse testing for parolees with substance issues, employment/education/job training assistance, individual and group counseling, subsidized placement, and other services as needed.

Specialized Caseload. Each parole unit has one or more specialized caseloads, based on local needs. Parole agents are assigned fewer cases (1:30 budgeted ratio) than those with case management caseloads. Specialized caseload provides concentrated, intensive services for parolees with special needs, e.g., severe substance abuse, sex offenses, mental health problems, needs for specialized placement, and heavy gang activity. Specialized caseloads increase the likelihood of offender's successful adjustment as self supporting and contributing members of the community, and enhance the ability of the parole agent to identify potentially dangerous behavior at the earliest possible time. Parolees typically remain on specialized caseloads until they have exhibited stable behavior for a significant period of time and no longer pose a major threat to public safety or need intensive services.

Case Management Caseloads. Parolees are transferred to case management after intensive re-entry or upon transitioning from a specialized caseload. Parolees are seen a minimum of twice per month if classified as maximum supervision/services, and once if classified medium. The purpose of case management is to assist the parolee in maintaining acceptable levels of behavior, job, and at home, and a variety of collateral contacts.

Parenting Program. To improve the parenting skills of parolee fathers through an educational parenting course with the intention of helping their children break the inter-generational cycle of learned violence and involvement in the criminal justice system.

Education Services. Classes are on site in Parole Offices and Charter Schools located in Sacramento and Watts (Youth Authority operated Parole Schools), Central Valley Stockton, South Coast, Inland, LA Metro, Gang Services (local school district operated Charter Schools), Oakland, San Jose, San Fernando and San Diego.

Community Service. Parolees are required to perform 80 hours of community services in order to receive an honorable discharge. Parole offices work with government agencies, non-profit organizations and business to provide parolees with community services projects to do clean-up, landscaping, remodeling and other services.

Specialized Counseling for Sex Offenders. Contracted counseling services, which include, but are not limited to, weekly counseling sessions (group and individual).

Restitution. From July 1996 through March 2004, Parole has collected \$215,047 in Restitution Fines and \$295,575 in Victims Restitution for a total of \$510,622 from parolees.

Tattoo Removal. Parolees can have tattoos removed through a partnership with designated treatment facilities and hospitals in Northern and Southern California.

Tools for Success. A partnership with Parole's San Diego Project, Franklin Outreach Center, and community-based organizations is based on a "wrap-around service model" — a collaborative team, which includes parole agents, teachers, Parolees and community based organizations. They ensure the following services are implemented: basic re-entry services, community integration, cognitive restructuring, training, and employability/vocational assistance. The program is for newly-released parolees, with classes scheduled for six weeks, eight hours a day. Activities include employment, parenting and family re-unification.

Project Choice. A new collaborative effort between the City of Oakland and various city and state departments including the County Probation Department and a coalition of community partners. With more than 3,000 parolees released to Oakland each year (including Department of Corrections parolees), this project is designed to reduce recidivism by providing additional support to parolees for successful re-entry into the community, while providing for a safer community.

Mentoring Services. This mentor program matches volunteer attorneys with parolees. Matches participate in VIP sponsoring events. The VIP program provides services to the following parole offices; San Diego, Watts, Covina, South Coast, Gang Services, San Fernando, East Los Angeles, Oakland, Fresno and San Jose. Program activities include job training and placement, education, legal aid, and other services necessary to help parolees become productive and self-sufficient.

Westside Energy Service Training and Education Center (WESTEC). Collaboration between the Bakersfield Parole Office, Taft Community College, the Department of Corrections, County Probation and the WESTEC. The college pays tuition fees with WESTEC developing the training courses in light to heavy general petroleum and mining industries. Parolees may also further their education by attending courses in general education and vocational training. Employer visits the classes and interview potential employees. More than 600 parolees have completed the training program with 93 percent of the parolees employed for a minimum of 90 days.

Appendix B**California Code of Regulations, Title 15,
Explanation of California Youth Authority Categories 1-7****California Code of Regulations, Title 15, Section 4951 - Category 1 Offenses**

A parole consideration date interval of seven years shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Murder – First Degree
2. Murder – Second Degree
3. Kidnapping w/death of victim
4. Kidnapping w/substantial injury
5. Torture
6. Conspiracy to commit any Category 1 offense.

Section 4952 – Category 2 Offenses

A parole consideration date interval of four years shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Voluntary Manslaughter
2. Rape
3. Sodomy
4. Sexual Assault w/foreign object
5. Oral Copulation
6. Lewd/Lascivious w/child under 14
7. Kidnap for ransom, reward, extortion
8. Kidnap during carjacking
9. Explosion or attempt to ignite device w/intent to commit murder
10. Kidnap for robbery
11. Conspiracy to commit any Category 2 offense
12. Attempt of any Category 1 offense
13. Continuous sexual abuse of a child

Section 4953 – Category 3 Offenses

A parole consideration date interval of three years shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Sexual Assault w/foreign object
2. Rape
3. Sodomy
4. Oral Copulation
5. Kidnap
6. Robbery (armed w/dangerous, deadly weapon, w/substantial injury)

7. Robbery of inhabited dwelling
8. Robbery – Operator of transportation of vehicle for hire
9. Assault w/deadly weapon likely to produce great bodily injury on peace officer, fireman, custodial officer, or school personnel.
10. Assault w/firearm on peace officer fireman
11. Grand Theft Person – armed w/dangerous, deadly weapon, w/substantial injury
12. Burglary armed w/dangerous, deadly weapon, w/substantial injury
13. Shooting at inhabited dwelling, occupied building, or vehicle, w/substantial injury
14. Arson causing great bodily injury or during State of Emergency
15. Mayhem
16. Vehicular manslaughter w/gross negligence
17. Gross vehicular manslaughter while intoxicated
18. Carjacking
19. Kidnap w/intent to commit specified sex crimes
20. Discharge firearm from motor vehicle
21. Conspiracy to commit any Category 3 offense

Section 4954 – Category 4 Offenses

A parole consideration date interval of two years shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Vehicular Manslaughter
2. Involuntary Manslaughter
3. Robbery (Armed With Dangerous or Deadly Weapon or With Substantial Injury)
4. Assault with Caustic Chemicals
5. Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury w/substantial injury
6. Assault with Firearm w/substantial injury
7. Assault with Intent to Commit Rape, etc.
8. Child Cruelty likely to produce great bodily injury death
9. Extortion
10. Grand Theft Person armed with dangerous or deadly weapon or w/substantial injury
11. Burglary armed with dangerous or deadly weapon or w/substantial injury
12. Shooting at Inhabited Dwelling House, Occupied Building or Vehicle
13. Arson
14. Recklessly Causing a Fire of any Structure, Forest Land, or Property (with substantial injury)
15. Sale, Possession for Sale, Transportation, or Furnishing of Controlled Substance, Narcotics, Marijuana.
16. Maintaining Place for Selling, Using of Certain Controlled Substances or Specified Narcotics

17. Any other felony including attempted felony not listed in Categories 1 through 3 w/ substantial injury
18. Conspiracy to commit any Category 4 offense
19. Discharging a Firearm from a Motor Vehicle
20. Attempt of any offenses in Categories 2 and 3.
21. Recommitment for any offense listed in Category 5 and 6 w/ a prior commitment for any offense in Categories 1 through 6.

Section 4955 – Category 5 Offenses

A parole consideration date interval of eighteen months shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Assault with a deadly weapon or force likely to produce great bodily injury
2. Battery w/substantial bodily injury
3. Battery upon a peace officer, fireman, or custodial officer
4. Recklessly Causing a Fire of Inhabited Structure or Property
5. Robbery
6. Grand Theft Person
7. Burglary, 1st Degree
8. Accessory to Murder
9. Sexual Battery
10. Intimidation of Witness by Force or Fear; in furtherance of a conspiracy; for pecuniary gain; or by a repeat offender
11. Conspiracy to commit any Category 5 offense
12. Attempt of any Category 4 Offense.

Section 4956 – Category 6 Offenses

A parole consideration date interval of one year shall be established for those cases committed to the Youth Authority for offenses in this category.

Offenses:

1. Concealable Firearms
2. Possession of Explosives, Flammable Matter or Fire Bomb
3. Recklessly Causing Fire to Uninhabited Structure or Forest Land
4. Burglary, 2nd Degree
5. All felonies not listed
6. Conspiracy to commit any Category 6 offense
7. An attempt of any Category offense

Section 4957 – Category 7 Offenses

A parole consideration date of one year or less shall be established for those cases committed to the Youth Authority for offenses not listed in Categories 1 through 6. This provision also applies to a case in which parole has been revoked for technical violation.

Appendix C

Tables depicting the California Youth Authority population and administrative staffing

TABLE 1
Ward Population- Historical and Projected

Actual Population As Of June 30		Projected Population As Of June 30	
Year	Wards	Year	Wards
1996	10,144	2004	4,090
1997	8,790	2005	3,895
1998	8,122	2006	3,760
1999	7,618	2007	3,755
2000	7,380	2008	3,750
2001	6,776	2009	3,740
2002	5,847		
2003	4,879		

TABLE 2
Administrative Staffing

Fiscal Year	Auth. Pers. Year (Py)	Conversion To Auth. Positions	Admin. Budget
2003-04	321.4	338.3	\$29,850
2002-03	278.7	293.4	\$29,569
2001-02	319.2	336.0	\$30,200
2000-01	315.4	332.0	\$26,403
1999-00	299.9	315.7	\$20,993
1998-99	TBD *	0.0	TBD
1997-98	TBD	0.0	TBD
1996-97	TBD	0.0	TBD
1995-96	TBD	0.0	TBD

*Amounts not yet determined.

Appendix D

Estimates of county sliding fee payments

DEPARTMENT OF THE YOUTH AUTHORITY
ESTIMATE OF COUNTY PAYMENTS
USING SPRING 2004 POPULATION PROJECTIONS
2003-04 FISCAL YEAR

COUNTY	YOPB CATEGORY	AVERAGE NUMBER OF WARDS	CAT. I - IV MONTHLY COST \$176	CAT. V -VII ANNUAL PER CAPITA \$36,504	TOTAL COST
ALL COUNTIES	I - IV	2,393	\$ 5,054,016		\$ 5,054,016
	V	850		\$ 15,514,200	\$ 15,514,200
	VI	549		15,030,522	15,030,522
	VII	29		1,058,616	1,058,616
TOTALS		3,821	\$ 5,054,016	\$ 31,603,338	\$ 36,657,354
2004 Spring Projections estimated reimbursements					\$ 36,657,000
2003-04 as adjusted by 1/10/2004 Governors Budget					37,483,000
Increase/(Decrease) in estimated reimbursements					<u>(826,000)</u>

ASSUMPTIONS:

- Juvenile Court Commitments only.
- ADP based on current commitment rates.
- Fee Indexing = \$176 per month.
- Per Capita Cost = \$36,504 per year. AB 1758 (CH 158/2003) effective July 1, 2003
- Fee Indexing cost computation example: Category I-IV = (ADP x (\$176 per month x 12 months)).
- Sliding scale = Category V (50%) of per capita cost; Category VI (75% of per capita cost); Category VII (100% of per capita cost).
- Cost computation example: Category V = (ADP x (\$36,504 x 50%));
Category VI = (ADP x (36,504 x 75 %)); Category VII = (ADP x 36,504).
- Effective July 1, 2003.

COUNTY	SPRING POPULATION PROJECTIONS CURRENT YEAR		FALL POPULATION PROJECTIONS CURRENT YEAR		DIFFERENCE
	YOPB CATEGORY	AVERAGE NUMBER OF WARDS	YOPB CATEGORY	AVERAGE NUMBER OF WARDS	
ALL COUNTIES	I - IV	2,393	I - IV	2,494	-101
	V	850	V	829	21
	VI	549	VI	534	15
	VII	29	VII	34	-5
TOTALS		3,821		3,891	-70

**DEPARTMENT OF THE YOUTH AUTHORITY
ESTIMATE OF COUNTY PAYMENTS
USING SPRING 2004 POPULATION PROJECTIONS
2004-05 FISCAL YEAR**

<u>COUNTY</u>	<u>YOPB CATEGORY</u>	<u>AVERAGE NUMBER OF WARDS</u>	<u>CAT. I - IV MONTHLY COST \$180</u>	<u>CAT. V -VII ANNUAL PER CAPITA \$37,343</u>	<u>TOTAL COST</u>
ALL COUNTIES	I - IV	2,049	\$ 4,425,840		\$ 4,425,840
	V	735		\$ 13,723,553	13,723,553
	VI	482		13,499,495	13,499,495
	VII	27		1,008,261	1,008,261
TOTALS		3,293	\$ 4,425,840	\$ 28,231,308	\$ 32,657,148
2004 Spring Projections estimated reimbursements					\$ 32,657,000
2004-05 Fall Population					32,348,000
Increase/(Decrease) in estimated reimbursements					\$ 309,000

ASSUMPTIONS:

- Juvenile Court Commitments only.
- ADP based on current commitment rates.
- Fee Indexing = \$180 per month.
- Per Capita Cost = \$37,343 per year. AB 1758 (CH 158/2003) effective July 1, 2004
- Fee Indexing cost computation example: Category I-IV = (ADP x (\$180 per month x 12 months)).
- Sliding scale = Category V (50%) of per capita cost; Category VI (75% of per capita cost); Category VII (100% of per capita cost).
- Cost computation example: Category V = (ADP x (\$37,343 x 50%));
Category VI = (ADP x (37,343 x 75 %)); Category VII = (ADP x 37,343).
- Effective July 1, 2003.

<u>SPRING POPULATION PROJECTIONS BUDGET YEAR</u>			<u>FALL POPULATION PROJECTIONS BUDGET YEAR</u>		<u>DIFFERENCE</u>
<u>COUNTY</u>	<u>YOPB CATEGORY</u>	<u>AVERAGE NUMBER OF WARDS</u>	<u>YOPB CATEGORY</u>	<u>AVERAGE NUMBER OF WARDS</u>	
ALL COUNTIES	I - IV	2,049	I - IV	2,179	-130
	V	735	V	716	19
	VI	482	VI	450	32
	VII	27	VII	28	-1
TOTALS		3,293		3,373	-80

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Closures

Over the last century and a half since California's first prison opened in 1852, the state's correctional system has grown to become the largest in the nation, rivaling in size and numbers even those of most other countries. Today, California operates 32 adult prisons, 38 fire camps, and eight youth correctional facilities—providing custody for more than 162,000 adult inmates and 4,000 youthful offenders. California's prisons stretch the length and breadth of the state, from Crescent City on the Oregon border to San Diego on the south; east to Blythe in the Mojave Desert, up through the central valley, and all the way to Susanville in the northeast.

Not surprisingly, this massive system shows the strains of both its age and its decades-long growth. Adult prisons are severely overcrowded, imperiling the safety of both correctional employees and inmates. Youth correctional facilities, built decades ago to house truants, runaways, and so-called "incorrigibles," now must accommodate far more violent and disturbed youths. Maintenance costs for aging facilities, meanwhile, consume an ever-greater share of the corrections budget.

Now another fundamental shift is taking place. In the last five years, the number of youthful offenders committed to state custody has fallen by more than half, and recent projections show that the adult inmate population is also now expected to decline.

In that context, the Corrections Independent Review Panel considered what changes could be made to better match correctional facilities to ward and adult inmate populations and whether older institutions with higher repair and maintenance costs could be closed.

The panel concluded that the declining numbers will allow the state to make adult prisons safer by shifting inmate populations to relieve acute overcrowding. At the same time, the dramatic decline underway in the number of youthful offenders committed to state custody will make it possible to close several youth institutions. More important, closing selected youth facilities while retaining the same staffing levels would enable the state to vastly improve treatment and programming for youthful offenders.

Fiscal Impact

Implementing the panel's recommendations would save the state an estimated \$85.7 million between fiscal years 2005-06 and 2008-09 and would eliminate the need for 639 budgeted correctional officer positions. The estimate assumes that the staffing reductions would be achieved through normal attrition, rather than through layoffs.

Department of Corrections

California's adult prisons are filled to almost double capacity. As a result, some inmates are triple-bunked — stacked three deep in bunk beds — others are living two-to-a-cell in cells designed for one, and beds for both low- and medium-risk inmates are crammed into gyms and dayrooms that were never meant to be used for housing. These “ugly beds,” as prison administrators call them—which presently total almost 9,500—create difficult, unsanitary living conditions where ventilation is poor, toilet access is limited, and as many as 200 people might share six showers. The situation makes the prisons dangerous, putting correctional employees and inmates alike at risk of violence, and has made the state vulnerable to lawsuits challenging the constitutional adequacy of inmate conditions of confinement.

Now, though, after decades of escalating inmate population levels, the Department of Corrections expects the number of adult inmates to begin declining, fueled by such factors as better mental health services, day-for-day credit granted earlier in an inmate's sentence, broader availability of drug treatment, and a new parole and reentry program.

But because inmate population figures are influenced by numerous factors outside the department's control, including crime and arrest rates, sentencing laws, and judicial decisions, the downward trend has yet to materialize. As of May 5, 2004, the actual inmate population exceeded projections by more than 1,000 inmates.¹

The Department of Corrections still expects the inmate population to fall according to projections because of new programs now being instituted. But the Corrections Independent Review Panel found that because of the severe overcrowding in the institutions— and until significant declines are realized—the State cannot close any of its adult prisons. Instead, as declines begin to occur, the department should concentrate its efforts on relieving overcrowding by doing away with “ugly beds” to make the prisons safer, improve living conditions, help to satisfy constitutional standards for conditions of confinement, and save money in the process.

If—and only if—the inmate population falls according to projections, the department could gradually deactivate almost 78 percent of the ugly beds —7,343 beds in triple bunks and gymnasiums. The panel recommends that the state give first priority to deactivating triple bunks. After that, and again only if population declines according to projections, the state should gradually deactivate beds in gymnasiums and dayrooms.

¹ California Department of Corrections, Offender Information Services Branch, “Weekly Comparison of Actual and Projected Population,” May 10, 2004.

Recommendations

If the adult inmate population declines according to projections, the new Department of Correctional Services should deactivate prison beds in the following priority:

- All emergency triple bunk beds by June 2005.
- 2,219 gymnasium beds in Level III and IV institutions.
- Up to 4,200 additional gymnasium beds in Level IV, III, and II institutions through 2009.

Fiscal Summary

Implementing the recommended bed deactivations as the inmate population declines would save the state \$45 million between fiscal years 2005-06 and 2008-09 and would eliminate the need for 639 budgeted correctional officer positions.

Background

The Department of Corrections is constitutionally mandated to provide inmates with acceptable conditions of confinement and access to adequate health care services. Over the past several years, a succession of lawsuits challenging the department's performance in these areas have resulted in numerous court orders and settlements, ongoing court-ordered monitoring, and an evolving definition of minimum standards for inmates. The most important cases defining conditions of confinement are the following:

Hoptowit v. Ray (U.S. Court of Appeals, Ninth Circuit, 1980). The case established constitutional minimum standards for correctional entities in providing inmates with food, clothing, shelter, sanitation, medical care, and personal safety.

Toussaint v. Rushen, (U.S. Court of Appeals, Ninth Circuit, 1980). The case concerned conditions of confinement and due process requirements for inmates housed in administrative segregation units.

Madrid v. Wilson (US District Court, Northern District of California, 1990). The case concerned conditions of confinement, medical care, and mental health services for inmates at the Pelican Bay State Prison security housing unit.

Coleman v. Wilson (U.S. District Court, Eastern District of California, 1990). The case concerned mental health care for seriously mentally ill inmates.

Armstrong v. Wilson (US District Court, Northern District of California, 1994). The case concerned access to programs, services, and activities for inmates with disabilities.

Clark v. Davis, (U.S. District Court, Northern District of California, 1996). The case concerned access to programs, services and activities for inmates with developmental disabilities.

Plata v. Davis, (U.S. District Court, Northern District of California, 2001). The case concerned timely access to adequate medical care and treatment.

In most instances, court orders resulting from these cases have required modification of the physical plant and consequent higher costs for prison operations. Changes to make conditions of confinement consistent with constitutional minimum standards, therefore, are not only legally necessary and compelling from a humanitarian standpoint, but also fiscally prudent.

Department of Corrections institutions are presently rated at 197.7 percent occupied,² with almost 9,500 inmates housed in so-called “ugly beds” — triple bunks in dorm settings and beds in gyms and dayrooms. Inmate housing units are classified into four security levels, with Level I the least restrictive and Level IV the most secure. Table 1 in the Appendix shows the number of inmate beds by institution, security level, and housing type, including more than 8,500 beds presently in gyms and day rooms.³ Another 924 “ugly beds,” not shown in the table, are represented by triple bunks in Level I and Level II facility dorms.

Projected population decline. The Department of Corrections projects that the inmate population will decline by 3,308 inmates over the next five fiscal years and that the mix of inmates will shift. Table 2 in the Appendix illustrates the projected system-wide inmate population decline by year for the years 2004 to 2009.⁴ Specifically, the department projects a decline by 2009 in the lowest custody levels (Level I, II), with a decrease of 4,930 Level I inmates and a decrease of 1,344 Level II inmates. The number of female inmates is also projected to decline by 866. At the same time, the projections reflect an increase of 184 Level III inmates, an increase of 3,608 Level IV and security housing unit inmates, and an increase of 40 reception center inmates by 2009.⁵ Table 3 in the Appendix shows the expected change in population by custody level through 2009. Delano II, a new Level IV institution with a potential double-cell capacity of 4,190, scheduled for activation in May 2005, will help house some of the increased Level IV population reflected in Table 3.

Accuracy of the population projections. The population projection model used by the Department of Corrections is generally regarded as the best available, but it is accurate only in the short term, with long-term projections much less reliable.⁶ To make the long-term

² California Department of Corrections, Weekly Report of Population as of March 24, 2004.

³ California Department of Corrections, Population Projection Unit, “Weekly Population Summary,” March 12, 2004.”

⁴ California Department of Corrections, Population Projection Unit, “Projections Report,” Spring 2004.

⁵ Ibid.

⁶ The model, which takes into account more than 100 variables, was developed by the Department of Corrections and has been adopted by several other states. The U.S. Bureau of Prisons has also used it to develop a similar model.

projections as accurate as possible, the department adjusts the model every six months to reflect changes in sentencing laws, revisions to internal operations and procedures, and analyses of actual incoming inmate population. Yet, projections as long as five years out are still not as accurate as short-term projections. A comparison of the department's projections to actual inmate population over the past nine years shows that first-year projections were an average of .6 percent greater than the actual population and that fifth-year changes were 18 percent greater. The range of difference is presented in Table 4 (See Appendix).⁷

It is also important to note that the population decline projected by the Department of Corrections depends in part on the success of new programs presently in various stages of operation. The difficulty of accurately predicting population declines associated with the new programs is illustrated in Table 3 (See Appendix), which shows the inmate population on February 29, 2004 to be 1,300 greater than the population projected for June 30, 2004.

The Department of Corrections attributes the projected decline in the inmate population to the following programs.⁸

- Granting day-for-day credit to inmates assigned to education and vocational programs beginning with the inmate's arrival at the reception center. That change, which began in February 2004, allows inmates to receive day-for-day credit beginning on the first day of incarceration, in contrast to the previous practice, which provided one-third credit on arrival and day-for-day credit beginning at a later date.
- Expansion of the transitional case management program, which provides mental health services to parolees upon release from prison to ensure continuity of mental health care in the community.
- New pre-release and re-entry programs, which are designed to reduce parole revocations by providing programs and alternatives to incarceration for parolees.
- Substance abuse treatment programs in institutions and the community to provide alternative treatment and sanctions for parole violators instead of returning them to prison. These programs have been operating for several years.

Population decline provides the opportunity to deactivate "ugly beds." As the inmate population declines, the department could gradually deactivate ugly beds while continuing to make maximum use of existing resources and institution physical plants in a safe and

⁷ California Department of Corrections, Population Projection Unit, "Summary of Projection Errors, Spring 1993 – Fall 2003."

⁸ California Department of Corrections, Population Projection Unit, "Spring 2004 Population Projection Report – Assumptions."

reasonable manner. The changes must be undertaken in a manner consistent with inmate custody level, disability designation, mental health care needs, health care status, behavior, safety and security, and physical plant limitations. Deactivation of beds must take into account inmates with specialized needs, such as those with disability placement restrictions, sensitive placement needs, and developmental disabilities. Some of the ugly beds throughout the state may also be relieved by the new Delano II prison, which will accommodate Level IV inmates presently in administrative segregation units, reception centers, and Level III beds in the state's other prisons.

Recommendations

- To provide a sound foundation for future planning efforts, the new Department of Correctional Services should aggressively pursue improvements to the inmate population projection model.
- If the inmate population declines according to current projections, the department should begin to deactivate prison beds according to the following priority:
 - By June 2005, deactivate the emergency triple-bunk dorm beds at Avenal State Prison, California State Prison-Solano, and Chuckawalla Valley State Prison.

As shown in Table 5 (See Appendix), the deactivations would eliminate 924 Level I and II beds and approximately 116.5 correctional officer positions. The beds are scheduled to be deactivated as part of the department's May 2004 revised budget.

- If the inmate population continues to decline, deactivate gymnasium beds at the following 10 Level III and IV institutions:

California Correctional Institution
 High Desert State Prison
 Pelican Bay State Prison
 Centinela State Prison
 California State Prison, Corcoran
 California State Prison, Los Angeles County
 Mule Creek State Prison
 California State Prison, Sacramento
 Substance Abuse Treatment Facility and State Prison at Corcoran
 Salinas Valley State Prison

Assuming inmate population declines according to projections, Table 6 shows that those deactivations will eliminate approximately 2,219 Level I and II beds and approximately 187 correctional officer positions.

- As the inmate population continues to decline, deactivate additional gymnasium beds in the following 12 Level IV, III, and II institutions:

Avenal State Prison
California Correctional Center
California Correctional Institution
Centinela State Prison
Correctional Training Facility
Deuel Vocational Institution
High Desert State Prison
Ironwood State Prison
Pleasant Valley State Prison
Substance Abuse Treatment Facility and State Prison at Corcoran
Sierra Conservation Center
California State Prison, Solano

Depending on the actual decline in inmate population, the deactivations could eliminate approximately 4,200 additional Level I and II beds and 335 correctional officer positions. (See Table 7).

Fiscal Impact

- ***Elimination of triple bunks.*** Deactivation of the emergency triple bunk dorm beds at Avenal State Prison, California State Prison-Solano, and Chuckawalla Valley State Prison by June 2005 would result in full-year savings of \$8,155,000 beginning in fiscal year 2005-06.
- ***Elimination of gymnasium beds, phase I.*** Deactivation of gymnasium beds in 10 Level III and IV institutions by June 2005, assuming the population declines according to projections, would result in a savings of \$12,873,000.
- ***Elimination of gymnasium beds, phase II.*** Deactivation of additional gymnasium beds in twelve Level II, III, and IV institutions as the inmate population continues to decline according to the department's projections would result in a savings of \$24,136,000.

Summary

Implementation of all recommendations would eliminate the need for 639 budgeted correctional officer positions and would result in a savings of \$45 million between fiscal years 2005-06 and 2008-09. (See Table 8, Appendix) The estimate is based on an average of \$70,000 in salary and benefits per correctional officer position and assumes that the staffing reductions would be achieved through normal attrition, rather than through layoffs.

The implementation by June 2005 of the first two recommendations — as the inmate population declines — would result in the elimination of 303.8 correctional officer positions and cumulative savings of \$21,028,000. It should be noted that the deactivation of gymnasiums as inmate housing units would allow reactivation of gymnasiums as inmate recreation areas, which would require re-staffing for supervision of inmate gymnasium activities during second and third watches. The savings estimate includes this factor.

Implementation of the third recommendation depends upon a significant reduction in the inmate population, which may not be achieved according to the estimate time-frame.

California Youth Authority

While California's adult prisons are overcrowded, the opposite is true at the California Youth Authority. From a high of 10,114 in June 1996, the youth population at the Youth Authority has now fallen by more than half and is expected to continue to drop. In June 2003, the population stood at 4,879, and by June 2009 is projected to fall to 3,740. At the same time, those sent to the Youth Authority now include a much higher percentage of violent offenders and youths who need mental health care, drug treatment, and other specialized services.

As a result of these changes, California Youth Authority facilities are presently a poor fit for the population. About 40 percent of the existing facilities consist of dormitories built in the 1960s, when only a small percentage of the Youth Authority population consisted of violent offenders and many of the rest were "incorrigibles" and status offenders, such as runaways. Living units are also too big. The average living unit size in California Youth Authority institutions is 50 beds—about double the accepted standard of 25-30 beds for juvenile facilities. And the ratio of staff to "wards," as youths committed to the Youth Authority are called, is between 1:16 and 1:25, which is much too large for effective programming and treatment and is also contrary to recent federal case law. The wide age diversity among those in Youth Authority institutions presents an additional challenge. Under present law, Youth Authority wards range from age 11 to age 25, making California one of only four states that incarcerate youths over age 21 in youth facilities. The broad age span makes programming difficult, complicates security, and affects every other aspect of the department's overall facility operations.

California was once the undisputed national leader in juvenile corrections, providing a model for the treatment and training of youthful offenders committed by the courts. Now, with the change in the types of wards sent to the Youth Authority — and in order for the Youth Authority to regain its former excellence in providing services to incarcerated youths — the need is for individual rooms in well-designed facilities with smaller living units, a lower staff-to-ward ratio, good mental health treatment and other program services, and improved surveillance capability.

Because of the drop in the number of youths sent to the California Youth Authority, and partly as the result of legislative mandate, the Youth Authority is presently closing five of its facilities. With these changes underway, and with the needs of the present ward population in mind, the Corrections Independent Review Panel considered how the California Youth Authority could make better use of its facilities by consolidating wards into fewer institutions.

As a result of that study, the panel recommends that the department close several other older facilities with high repair and maintenance costs and move wards into facilities better matched to population size and needs. Programs at the closed facilities would be transferred to other California Youth Authority institutions. Underlying the recommendations is

the fundamental goal of improving services to youthful offenders. Making the change in facilities while retaining the same staffing levels will make it possible for the department to reduce living unit size to 25 beds within five years, bringing California Youth Authority institutions into line with accepted national standards for youth correctional facilities. The recommendations are also aimed at reducing the staff-to-ward ratio to the recognized standard of 1: 8. Overall, the changes will reduce the number of Youth Authority beds by 1,985.

Fiscal Impact

Implementing the recommendations would result in an estimated net savings of \$5,991,000 in fiscal year 2005-06; an estimated net savings of \$11,627,000 in fiscal year 2006-07; and an estimated net savings of \$11,627,000 in each subsequent fiscal year.

Background

The official mission of the California Youth Authority is to protect the public by providing education, training, and treatment services to youthful offenders. Because of the declining ward population, the department is in the process of closing five of its youth correctional facilities, for a net reduction of 1,763 beds. Four of the closures result from legislative mandates. In 2002, with the enactment of AB 3000 (Chapter 1124, Statutes of 2002), the department was required to develop a consolidation plan and to close three of its facilities by June 2007. Subsequent legislation (AB 1758, Chapter 158, Statutes of 2003) required the department to close one additional facility.

Before the facility closures began in September 2003, the department was operating eleven institutions and four conservation camps, with a total bed capacity of 6,505. Table 9 (See Appendix) shows the distribution of beds by type in Youth Authority facilities as of June 30, 2003. Table 10 (See Appendix) lists the facilities the department has closed or is in the process of closing.

After June 30, 2004, when the planned closures are completed, the Youth Authority will be operating a total of eight institutions and three conservation camps, with a combined design bed capacity of 4,742 beds — a net reduction of 1,763 beds from June 30, 2003. Table 11 illustrates the number and type of beds that will remain at all facilities under the department's plan after June 30, 2004. The change in the number and type of beds remaining at the affected facilities is depicted in bold type.

Cost of housing female wards has escalated. In part to alleviate the problems caused by housing female wards in the same facility with more criminally oriented male wards, the Youth Authority's plans have called for moving all male wards from the 750-bed Ventura Youth Correctional Facility and converting the institution to an all-female facility for the State's 218 female wards. But the mismatch between the size of the Ventura facility and the size of the female ward population substantially increased the State's cost for housing female wards. Because of the change, the annual per-ward cost for housing female wards

has increased from approximately \$100,000 to \$143,000, compared to \$80,000 for male wards.^{9,10}

California Youth Authority living unit size conflicts with established standards. The number of beds in a typical California Youth Authority living unit is inconsistent with accepted standards for youth correctional facilities. The California Board of Corrections limits living unit size in youth correctional facilities to 30 beds,¹¹ and American Correctional Association guidelines recommend no more than 25 beds per living unit. Most California Youth Authority living units, in contrast, whether open dormitories or single-room units, are designed to house 50 wards or more — a size that makes effective programming more difficult and impairs the safety of staff and wards.

Numerous studies have shown living unit size, crowding, treatment success, and violence in youth correctional institutions to be inextricably linked. As one study noted:

Evidence research indicates that incarcerating young offenders in large, congregate care juvenile institutions does not effectively rehabilitate and may actually harm them...A century of experience with training schools and youth prisons demonstrates that they constitute the one extensively evaluated and clearly ineffective method to treat delinquents.¹²

Similarly, studies conducted for the California Youth Authority in the 1980s showed that reducing the size of living units and increasing staff resources both significantly reduced violence and improved treatment outcomes for incarcerated youths.¹³ Barry Krisberg, Ph.D., president of the National Council on Crime and Delinquency, has reported that the research conducted by the Youth Authority has been influential in the design of youth correctional facilities across the country and in the establishment of national professional standards. Ironically, the standards resulting from that research have not been applied to California Youth Authority facilities.¹⁴

⁹ California Youth Authority, “2004 Governor’s Budget – Salaries of staff plus average staff benefits and OE&E divided by number of wards.”

¹⁰ The difference in annual per-ward costs between female and male wards also reflects the greater need of female wards for mental health services. A recent Stanford University study found that females committed to the California Youth Authority exhibit a significantly greater number of mental health disorders than male wards. (Hans Steiner and Keith Humphreys, “The Assessment of the Mental Health System of the California Youth Authority: Report to Governor Gray Davis,” December 2001.

¹¹ California Board of Corrections, “Minimum Standards for Local Juvenile Facilities,” Title 24, Section 460A.1.5.

¹² Barry C. Feld, “Juvenile and Criminal Justice Systems’ Responses to Youth Violence,” in Tonry, Michael, and Moore (editors), *Youth Violence: Crime and Justice, a Review of Research, Vol. 2* (Chicago, IL:University of Chicago Press, 1998), pp.2-27.

¹³ Joe Seckel and James Turner, “Institutional Violence Reduction: The Impact of Changes in Living Unit Size and Staffing,” January, 1980; Carolyn Davis, “DeWitt Nelson reduced staff ward Ratio Program: Final Report,” April 1981.

¹⁴ Barry Krisberg, Ph.D., President, National Council on Crime and Delinquency, “General Corrections Review of the California Youth Authority,” December 23, 2003.

Staff-to-ward ratios are also inconsistent with accepted standards. California Youth Authority formulas prescribe a staff-to-ward ratio of 1:25 on morning shifts and 1:16 on afternoon shifts. That ratio deviates substantially from the standard of 1:8 used in many other states and with a similar 1:8 ratio specified in a recent federal case involving juvenile facilities in Arizona.¹⁵ Recent federal cases in Nevada, Maryland, and Los Angeles County have defined the same 1:8 standard.

Ward population projections. The California Youth Authority ward population has been dropping since 1996 and is projected to continue to decline. As Table 12 illustrates, the population fell from a high of 10,144 in June 1996 to 4,879 in June 2003 and, according to California Youth Authority projections, is expected to drop to 3,740 by June 2009.¹⁶ Table 13 illustrates the changes in actual and projected ward populations by gender for the same period. As Table 13 shows, the California Youth Authority population will remain predominately male, with the number of female wards remaining at approximately 200 through the year 2009.

Reasons for the decline in ward population. The ward population decline can be attributed to the following: a significant decrease in youth arrests for violent offenses; an increase in county incarceration and treatment options, allowing many youthful offenders to be handled in their own communities; and SB 681 (Chapter 66, Statutes of 1996). SB 681 requires counties to reimburse the State for specified juvenile court commitments to the Youth Authority based on a sliding-scale percentage of per capita costs. The legislation was intended to encourage counties to retain custody of all but the most dangerous wards and appears to have had that effect. In the six years since the enactment of SB 681, ward commitments to the California Youth Authority have decreased by an average of 8 percent a year.

Accuracy of the population projections. A comparison of projected and actual ward populations from June 1990 to June 2003 shows the projections to be accurate at between 5.7 and +9.4 percent over one year, -7.3 to +25 percent over two years, and -10.2 to +61.5 percent over five years.¹⁷ The variation in accuracy can be attributed to a number of factors, including changing commitment laws; lower rates of youth arrests; implementation of release criteria based on a case-by-case review of the wards' education and treatment progress and behavior, as determined by politically appointed Youth Authority Board members; and the impact of the county reimbursement sliding scale.

¹⁵ Civil Rights Division, U.S. Department of Justice, "Civil Rights of Institutionalized Persons Act (CRIPA). Investigation of Adobe Mountain School and Black Canyon School in Phoenix Arizona; and Catalina Mountain School in Tucson, Arizona," January 23, 2004.

¹⁶ California Youth Authority, "Male and Female Institution Population, Actual and Projected, 1996-2009."

¹⁷ California Youth Authority, "Comparison of Actual and Projected CYA Institution Population – June 30, 1990 through June 30, 2003."

Ward characteristics. California Youth Authority facilities were initially designed as schools for boys and have never been modified to accommodate today's more violent ward population. Many of the facilities were built in the 1960s when the proportion of violent offenders was much smaller. On June 30, 1962, for example, only 14.8 percent of the Youth Authority population was made up of violent offenders. But with the implementation of the sliding-scale county reimbursement, and as more non-violent youthful offenders are retained in community-based programs, the proportion of violent offenders in the California Youth Authority has increased. On December 31, 2003, violent offenders made up 58.9 percent of the Youth Authority population.¹⁸

Wards committed to the Youth Authority also now tend to have other serious problems, including mental illness, substance abuse, and gang alliances. According to a 2001 Stanford University study, 71 percent of male wards and 82 percent of female wards incarcerated in California Youth Authority institutions have been diagnosed with between three and nine mental disorders, demonstrating a critical need for access to specialized programs.¹⁹

In a May 2004 report, the California Legislative Analyst's Office noted that the California Youth Authority's building configurations are no longer suited to the ward population:

While the declining ward population has reduced the overall need for institutions and facilities, the changed nature of the current ward population and mandates to provide mental health and education programs have resulted in the department having facilities that are in many ways functionally obsolete....

When the large majority of Youth Authority buildings were designed and constructed, there was significantly less need for many security features. The basic configuration of many buildings reflects the Youth Authority's heritage as reform schools rather than correctional facilities. For instance, the reform school dormitory layout is not secure or efficient for programming and housing a significant portion of the existing population.²⁰

The wide age range of California Youth Authority wards also affects institution programming and operations. California is one of just four states (in addition to Montana, Oregon, and Wisconsin) that handle offenders up to age 25 in the youth justice system. Under Welfare and Institutions Code Section 1769, youths between the ages of 11 and 25 may be committed to the Youth Authority. At present, the average age of a California Youth Authority ward is 19.4 years. Table 14 shows the age breakdown of the Youth Authority institution population as of March 31, 2004.²¹

¹⁸ Interview with Sue Pannell, Research Program Specialist II, California Youth Authority, April 2004.

¹⁹ Hans Steiner and Keith Humphreys, "The Assessment of the Mental Health System of the California Youth Authority: Report to Governor Gray Davis," December 2001.

²⁰ Elizabeth C. Hill, Legislative Analyst, "A Review of the California Youth Authority's Infrastructure," Legislative Analyst's Office, May 2004.

²¹ California Youth Authority, "All Wards In Youth Authority Facilities By Current Age," - March 31, 2004.

Recommendations

The Corrections Independent Review Panel recommends that the state take the actions listed below. Making these changes while keeping the same staffing levels will enable the state to reduce living unit size to 25 beds within five years and reduce staff-to-ward ratios to the recognized standards of 1:8. The changes will enable California to better meet the programming, education, and treatment needs of the projected ward population consistent with the state's statutory and court-ordered obligations. The recommendations will also produce a safer living environment by enabling staff to interact more effectively with wards and will lower the per-ward cost for female wards from \$143,000 to \$100,000 — equivalent to the cost of male wards in specialized programs.

- Effective January 1, 2005, amend Welfare and Institutions Code Section 1769 to restrict the California Youth Authority ward population to those under age 21 and provide judges with the option of imposing “blended” sentences — both juvenile and suspended adult sanctions— for certain categories of serious offenders. The change would result in a net decrease of 105 wards by June 2009 as follows: 25 wards by June 2006; 30 wards by June 2007; 90 wards by June 2008 and 105 wards by June 2009.

The age adjustment will improve the overall treatment environment of the remaining youthful offenders by making it easier to develop age-compatible education, treatment, and training programs. The change will also result in fiscally sound efforts to provide constitutionally mandated services to the remaining wards in accordance with the expected terms of a consent decree presently being negotiated in the *Farrell v. Harper* lawsuit, which challenged the adequacy of the California Youth Authority's performance in providing training and treatment to wards.

Blended sentencing is used in 15 states. Under a blended sentence, youthful offenders are conditionally confined in a juvenile facility under the threat of a suspended criminal sentence and transfer to an adult institution in order to encourage cooperation and discourage misconduct. When the youth confinement period or jurisdiction ends, the ward is returned to court for a determination by a judge of whether further confinement in an adult institution is warranted.

The ward population estimate assumes that the new law would not apply retroactively, but rather would apply only to new sentences. Wards previously sen-

tenced who have already reached age 21 would continue to age out of the California Youth Authority at 25. Wards committed to the California Youth Authority after the new law takes effect would be either released at age 21 or transferred at age 21 to a Department of Corrections facility to complete their sentence.

- By June 30, 2004, close the Fred C. Nelles Youth Correctional Facility and the Mt. Bullion Conservation Camp according to the existing California Youth Authority plan.
- By June 30, 2005, transfer all female wards from the Ventura Youth Correctional Facility to the Karl Holton Youth Correctional Facility and transfer Ventura's intensive treatment program, special counseling program, formalized drug program, and other gender-specific programs to the new facility to serve the female ward population.

The Karl Holton Youth Correctional Facility, which is presently vacant because of the legislative mandate for the Youth Authority to close institutions in response to the ward population decline, is one of four California Youth Authority institutions comprising the Northern California Youth Correctional Center complex in Stockton. With a design capacity of 388 beds, the institution more closely matches the projected female ward population than the Ventura Youth Correctional Facility, while providing the advantage of shared services, central kitchen, medical support, and access to a new on-site hospital planned for completion in 2005.²² The female wards would be housed in a separate facility consistent with California Youth Authority gender-separation policy.²³ To accommodate the female population, it would be necessary to convert 122 dry rooms (rooms without sinks or toilets) to wet rooms.

- By June 30, 2005, re-establish the Ventura Youth Correctional Facility as an all-male institution and fill with male wards from the El Paso de Robles Youth Correctional Facility.

The changes will make Ventura an all-male institution with a population close to its approximate design capacity of 650 beds. Ventura has approximately 82 percent wet rooms and the physical plant is in average condition, with lower pending capital outlay, special repair, and deferred maintenance needs relative to other California Youth Authority institutions.

²² California Youth Authority, "Bed Utilization Plan," March 2004.

²³ Department of Youth Authority, "Consolidation Plan, Report to the Legislature," November 2002

- Close El Paso de Robles Youth Correctional Facility.

El Paso de Robles Youth Correctional Facility is in a remote location inland from the central coast of California, making it problematic to recruit and retain professional staff and difficult for families of wards to visit, since most of the families reside in Southern California. Living units are a combination of dry rooms and dormitory construction with numerous blind spots where wards can hide undetected, creating safety and security problems. The institution houses a number of programs, including a specialized counseling program, a specialized management program, and two drug treatment programs, all of which could be relocated to other institutions.

- By June 30, 2006, close the Preston Youth Correctional Facility and transfer the wards to the Northern California Women's Facility, a former Department of Corrections institution, which is presently closed.

Built in 1894, the Preston Youth Correctional Facility is the second-oldest California Youth Authority institution and has unmet capital outlay, special repair, and deferred maintenance needs of \$31 million. Approximately 65 percent of the ward housing consists of open dormitory beds. The facility houses a number of specialized programs, including a drug treatment program, special management program, specialized counseling program, a 41-bed intensive treatment program, and a 35-bed specialized behavior treatment program, all of which could be relocated to other institutions.

Relocating the wards from Preston to the vacant Department of Corrections Northern California Women's Facility in Stockton, which is adjacent to the Northern California Youth Correctional Center, would create a consolidated northern California complex for youthful offenders. The change would allow for centralized support services functions, including administration, food service, plant operations, warehouse, staff training, accounting, personnel, ward transportation, and an on-site hospital. Wards would be housed in single rooms, significantly improving living conditions for the special program population now housed at Preston. As an additional benefit, the reception center clinic now at Preston could be relocated to one of the four institutions in the Northern California Youth Correctional Center complex, thereby reducing ward transportation costs.

Although not required to do so, the Youth Authority should inform the local community of the conversion of the Northern California Women's Facility from an adult women's institution to a male institution for youthful offenders and address any concerns. It should be noted that the new use of the facility would be consistent with that of the other four facilities at the Northern Youth Correctional

Center complex, and would also provide opportunity for increased employment. The conversion of the facility would require expenditures for alterations, renovations, and other improvements to the Northern California Women's Facility to reduce living unit size, enhance education corridor and special program areas, and construct space for education, treatment, and program support.

Following the closure of Preston and the transfer of wards to the former Northern California Women's Facility, the California Youth Authority would have a total of 4,520 beds, as shown in Table 16.

The recommended changes would leave the Youth Authority with 760 more beds than wards on June 30, 2006. The bed surplus would provide the California Youth Authority with the opportunity to reduce the size of living units closer to the American Correctional Association recommendation and the Board of Corrections standard of 25 to 30 wards. As the ward population declines, 29 single-room living units could be reduced to 35-ward living units, resulting in a net decrease of 435 beds. In addition, the 21 open dormitories at the O.H. Close Youth Correctional Facility, the Karl Holton Youth Correctional Facility, and the DeWitt Nelson Youth Correctional Facility could be reduced to 35 wards each, resulting in an additional decrease of 315 beds and a net decrease of 750 beds.

- Between June 30, 2004 and June 30, 2006, and beginning with open dormitories, reduce the number of wards in living units from 50 to 35.
- By June 30, 2009, reduce the number of wards in living units to 25 and decrease staff-to-ward ratio to 1:8.

After all of the recommendations have been implemented, the total number of beds would remain at 4,520 through June 2009, as shown in Table 18.

It is important to note that after the Fred C. Nelles Youth Correctional Facility closes in June 2004, the families of wards from many Southern California counties will be obliged to travel long distances to visit family members in California Youth Authority institutions. The San Diego area in particular, has no Youth Authority institutions. The panel suggests that any future facilities be sited in that area.

Fiscal Impact

Implementing these recommendations would result in an estimated net savings of \$5,991,000 in fiscal year 2005-06; an estimated net savings of \$11,627,000 in fiscal year 2006-07; and an estimated net savings of \$11,627,000 in each subsequent fiscal year.

The recommendations are expected to reduce system costs by consolidating wards into institutions with capacities more closely matched to the populations and by closing facilities with significant capital outlay for special repair and deferred maintenance costs. Administrative and overhead costs will also decrease.

Potential one-time costs may offset some of the long-term savings. Those costs include the following:

- Payment of accrued leave to employees who leave the department due to layoff, retirement, and other separations instead of transferring to other facilities.
- Moving and relocation expenses for key employees who the department transfers to other institutions.
- Moving expenses for transfer of records and equipment.
- Physical plant adaptations required to accommodate wards and programs.

These one-time costs may be offset by the sale and ultimate disposition of the Nelles, El Paso de Robles, Preston, and Northern Reception institutions. Neither the potential one-time costs nor the potential revenue from the sale of properties has been included in this fiscal estimate. The estimate reflects only the full-year savings that will begin to accrue in the first full fiscal year after each step of the consolidation is completed.

The Youth Authority completed a consolidation plan in November 2002 as a result of the requirements of Assembly Bill 3000, but the plan did not consider the fiscal impact of closing either El Paso de Robles or Preston, the two institutions proposed for permanent closure in the panel's recommendation. More recently, in March 2004, the Youth Authority developed a draft bed utilization plan that made a variety of recommendations and estimates of costs and savings for various closure and re-activation scenarios. The Corrections Independent Review Panel has reviewed the Youth Authority estimates and found them to be realistic. The panel has therefore used the Youth Authority estimates to calculate general fund savings resulting from these recommendations. It should be noted, however, that the Youth Authority should achieve budgetary savings as a result of the decline in the ward population regardless of the efficiencies created by the consolidation plan.

Table 19 illustrates the cumulative costs and savings resulting from these recommendations, using fiscal detail from the Youth Authority's 2004 draft bed utilization plan. As the table shows:

- In fiscal year 2005-06, the closures of El Paso de Robles will result in savings of

\$19,149,000, and the reopening of Karl Holton will cost \$13,158,000, resulting in net savings of \$5,991,000 in fiscal year 2006-07 and continuing each year thereafter.

- Additional savings will occur in fiscal year 2006-07 when the closure of Preston will result in savings of \$22,922,000, and the reopening of the Northern California Women's Facility will cost \$17,286,000, resulting in net savings of \$5,636,000 in fiscal year 2006-07 and each year thereafter.

As shown in Table 19, the combined result of these recommendations is a net savings of \$5,991,000 in fiscal year 2005-06 and net savings of \$11,627,000 in fiscal year 2006-07 and each year thereafter.

TABLE 1
Department of Corrections Beds by Security Level in All Facilities

Facility	Beds in Areas Intended for Housing by Security Level						Gym & Miscellaneous Beds by Security Level				Total
	RC	I	II	III	IV	Female	RC	I	II	III	Beds
Avenal State Prison			6,378						700		7,078
Calif. State Prison - Calipatria		408			3,910						4,318
Calif. Correctional Center		3,164	1,093	935					300	150	5,642
Calif. Correctional Institution	760	1,062	1,303		1,859		266	175	175		5,600
Central Calif. Women's Facility						3,507					3,507
Calif. State Prison - Centinela		408		2,460	1,500					480	4,848
Calif. Institution for Men	3,576	2,810		279							6,665
Calif. Institution for Women						1,806					1,806
Calif. Men's Colony		408	2,446	3,750							6,604
Calif. Medical Facility		177	410	2,814							3,401
Calif. State Prison - Corcoran		876	0	0	4,166				121	242	5,405
Calif. Rehabilitation Center			3,952			680					4,632
Calif. Training Facility		970	3,187	2,384				120	280		6,941
Chuckawalla Valley State Prison		408	3,500								3,908
Deuel Vocational Institution	2,578	231	242				100		300		3,451
Folsom State Prison		753	1,852	1,440							4,045
High Desert State Prison	380	400	0	570	2,820				120	360	4,650
Ironwood State Prison		400		3,785						480	4,665
Calif. State Prison - Los Angeles County		400	0	950	2,880				120	240	4,590
Mule Creek State Prison		392		1,520	1,305					480	3,697
North Kern State Prison	3,846	408		935							5,189
Pelican Bay State Prison		296	0		3,188				160		3,644
Pleasant Valley State Prison		408		2,860						480	3,748
RJ Donovan Correctional Facility	1,000	392		2,595			456				4,443
California State Prison - Sacramento		384	0		2,798			50	140		3,372
Substance Abuse Treatment Facility			1,754	2,238	2,273				480	240	6,985
Sierra Conservation Center		3,258	1,334	935		320			300	150	6,297
California State Prison - San Quentin	2,941	265	1,827		730						5,763
Salinas Valley State Prison		400	0	0	3,878			50	120	120	4,568
California State Prison - Solano			3,239	2,265					225	225	5,954
Valley State Prison						3,657					3,657
Wasco State Prison	4,606	392		840			120				5,958
Contract Jail Beds		2,092									2,092
Contract Community Beds		5,018									5,018
TOTALS BY BED TYPE	19,687	26,580	32,517	33,555	31,307	9,970	942	395	3,541	3,647	162,141

Table 1 Explanatory Notes

- a) Table created from data reported in the California Department of Corrections "Weekly Population Summary," March 12, 2004.
- b) The number of inmates per custody level is based on the staffed capacity of each institution.
- c) Administrative segregation unit and security housing unit inmates were added to the institutions' highest custody level number.
- d) Medical-designed beds, (HIV, EOP, DMH) were added to the institution's highest custody level number.
- e) U.S. Immigration and Naturalization Service inmates at Centinela and RJ Donovan, were added to the institutions' highest custody level number.
- f) Youthful Offender Program inmates at the California Correctional Institution were added to the institution's highest custody level number.
- g) Substance abuse program inmates at the Substance Abuse Treatment Facility were added to the institution's level III custody level number.
- h) Condemned inmates at the Central California Women's Facility and San Quentin were added to the institutions' highest custody level number.
- i) Camp inmates (male and female) at the Sierra Conservation Center were added to the institution's Level I beds.
- j) Source documents did not delineate triple bunking. Triple bunk totals will increase gymnasium and miscellaneous beds total s and decrease and regular bed totals.

TABLE 2
Department of Corrections Spring 2004 Population Projections

Date	Inmate Population	Annual Net Change	Annual Percentage Change
6/30/2003	160,931		
6/30/2004	160,122	-809	-0.5%
6/30/2005	157,218	-2,904	-1.8%
6/30/2006	156,952	-266	-0.2%
6/30/2007	156,889	-63	0.0%
6/30/2008	156,884	-5	0.0%
6/30/2009	157,623	739	0.5%
TOTAL NET CHANGE		-3,308	

TABLE 3
Projected Inmate Population by Custody Level
Including Changes from Previous Year

		Male Inmate Custody Levels						
Date	Reception	Level I	Level II	Level III	Level IV & PHU/SHU	Male Subtotal	Female Subtotal	Total Inmates
Actual 6/30/2003	19,285	33,984	31,909	38,061	27,612	150,851	10,080	160,931
Actual 2/29/2004	19,342	32,222	33,660	40,285	25,686	151,195	10,254	161,449
6/30/2004	18,580	32,057	32,625	36,405	28,942	148,609	11,513	160,122
Changes	-705	-1,927	+716	1,656	+1,330	-2,242	+1,433	-809
6/30/2005	19,245	30,128	31,185	36,420	29,285	146,263	10,955	157,218
Changes	+665	-1,929	-1,440	+15	+343	-2,346	-558	-2,904
6/30/2006	17,975	29,797	31,105	37,125	29,870	145,872	11,080	156,952
Changes	-1,270	-331	-80	+705	+585	-391	+125	-266
6/30/2007	17,415	29,441	30,865	37,595	30,380	145,696	11,193	156,889
Changes	-560	-356	-240	+470	+510	-176	+113	-63
6/30/2008	17,450	29,054	30,550	37,895	30,800	145,749	11,135	156,884
Changes	+35	-387	-315	+300	+420	+53	-58	-5
6/30/2009	19,325	29,054	30,565	38,245	31,220	148,409	9,214	157,623
Changes	+1,875	+0	+15	+350	+420	+2,660	-1,921	+739
Net Changes 2003 to 2009	+40	-4,930	-1,344	+184	+3,608	-2,442	-866	-3,308

TABLE 4
Average Variance Between Projected Population and Actual Population
Fall 1996 to Spring 2003 Projections

	F 1996	S 1997	F 1997	S 1998	F 1998	S 1999	F 1999	S 2000	F 2000	S 2001	F 2001	S 2002	F 2002	S 2003	AVG
1st year	-1.0%	-1.9%	2.3%	2.0%	2.3%	-0.1%	1.9%	0.5%	1.5%	0.2%	1.0%	0.1%	0.2%	0.2%	0.6%
2nd year	1.0%	-0.1%	5.6%	4.7%	6.4%	3.2%	3.4%	0.9%	5.3%	0.2%	3.3%	2.3%			2.4%
3rd year	4.9%	2.8%	10.8%	9.5%	11.1%	6.3%	6.9%	1.8%	5.4%	1.4%					6.5%
4th year	10.9%	8.8%	15.9%	14.1%	17.1%	11.4%	7.0%	1.4%							11.8%
5th year	16.4%	14.2%	22.1%	19.8%	19.2%	13.0%									18.7%

F= Fall Projection S= Spring Projection

TABLE 5
Fiscal Year 2005-06

Institution	Inmates	Officers	Savings
Avenal State Prison	-300	-28.4	\$1,988,000
California State Prison - Solano	-192	-32.9	\$1,365,000
Chuckawalla Valley State Prison	-432	-55.2	\$3,864,000
TOTAL	-924	-116.5	\$8,155,000

TABLE 6
Fiscal Year 2005-06

Institution	Inmates	Officers	Savings
Pelican Bay State Prison	-160	-13.4	\$938,000
California State Prison - Sacramento	-140	-11.3	\$791,000
Substance Abuse Treatment Facility	-120	-14.8	\$798,000
California Correctional Institution	-266	-25.3	\$1,771,000
California State Prison - Centinela	-120	-7.8	\$546,000
California State Prison - Corcoran	-363	-25.1	\$1,757,000
High Desert State Prison	-360	-24.5	\$1,715,000
California State Prison – Los Angeles County	-360	-36.8	\$2,576,000
Mule Creek State Prison	-160	-8.2	\$574,000
Salinas Valley State Prison	-170	-20.1	\$1,407,000
TOTAL	-2,219	-187.3	\$12,873,000

TABLE 7
Fiscal Year to be Determined by Actual Population Decline

Institution	Inmates	Housing Officers	Savings
Avenal State Prison	-600	-65.0	\$4,550,000
California Correctional Center	-450	-20.8	\$1,456,000
California Correctional Institution	-350	-30.6	\$2,142,000
California State Prison - Centinela	-360	-23.4	\$1,638,000
California Training Facility	-360	-50.8	\$3,556,000
Deuel Vocational Institution	-300	-19.6	\$1,372,000
High Desert State Prison	-120	-11.2	\$784,000
Ironwood State Prison	-480	-26.2	\$1,834,000
Pleasant Valley State Prison	-360	-37.5	\$2,625,000
Substance Abuse Treatment Facility	-240	-25.3	\$1,771,000
Sierra Conservation Center	-150	-9.4	\$1,288,000
California State Prison - Solano	-450	-16.0	\$1,120,000
TOTAL	-4,220	-335.8	\$24,136,000

TABLE 8
General Fund Savings
(in thousands)

Fiscal Year	Savings	Costs	Net Savings	Change in Positions
2004/05	\$0	\$0	\$0	0
2005/06	-\$21,028	\$0	-\$21,028	-303.8
2006/07	-\$21,028	\$0	-\$21,028	-303.8
2007/08	-\$21,028	\$0	-\$21,028	-303.8
2008/09	-\$21,028	\$0	-\$21,028	-303.8
Future Fiscal Years	-\$45,164	\$0	-\$45,164	-639.4

TABLE 9
Youth Authority Beds by Type in All Facilities as of June 30, 2003

Institutions	Living Units	Number of general units and beds				Special beds				Total Beds
		Dorm Beds	Dry Rooms	Wet Rooms	Sub Total	Detention ^(b)	Medical	Program	Sub Total	
O. H. Close	8	266	99		365	33		2	35	400
Karl Holton	8	266	122		388	28			28	416
N. A. Chaderjian	12			550	550	50			50	600
DeWitt Nelson ^(a)	8	400			400	8	10	1	19	419
Preston	14	500		202	702	42	6	20	68	770
Fred C. Nelles	14	380	150	110	640	30	23	10	63	703
El Paso De Robles	12	388	112	158	658	32	11		43	701
Ventura (Male)	7	100		250	350	23	8	2	33	383
Ventura (Female)	7		1	299	300	25	8	1	34	334
Heman G. Stark	12		16	1,132	1,148	84	12	28	124	1,272
SYCRCC	8		2	377	379	23	14	14	51	430
NYCRCC	7	12		293	305	23	17	1	41	346
Ben Lomond	1	80			80					80
Pine Grove	1	80			80					80
Washington Ridge	1	80			80					80
Mt. Bullion	1	80			80					80
TOTALS	121	2,632	502	3,371	6,505	401	109	79	589	7,094

(a) Includes 10 medical beds located as part of the central core facility of the entire complex.

(b) Total number of detention beds includes suicide resistant beds and beds solely dedicated for detention.

TABLE 10
California Youth Authority Facility Closure Plan

Institution	Location	Closure Date	Beds
Karl Holton Youth Correctional Facility (Holton)	Stockton	September 28, 2003	388
Ventura Youth Correctional Facility (Ventura) – male only	Camarillo	March 1, 2004	350
Northern Youth Correctional Reception Center and Clinic (Northern Reception)	Sacramento	March 1, 2004	305
Fred C. Nelles Youth Correctional Facility (Nelles)	Whittier	June 30, 2004	640
Mt. Bullion Conservation Camp	Mariposa	June 30, 2004	80
		Total beds closed	1,763

TABLE 11
Change in Number and Type of Beds by Facility
Effective June 30, 2004

	2003	Bed Change by Type			2004
Institutions	Beds	Dorm Beds	Dry Rooms	Wet Rooms	Beds
O. H. Close	365	266	99	0	365
Karl Holton	388	0	0	0	-388
N. A. Chaderjian	550	0	0	550	550
DeWitt Nelson	400	400	0	0	400
Preston	702	500	0	202	702
Fred C. Nelles	640	0	0	0	-640
El Paso De Robles	658	388	112	158	658
Ventura (Male)	350	0	0	0	-350
Ventura (Female)	300	0	1	299	300
Heman G. Stark	1,148	0	16	1,132	1,148
SYCRCC	379	0	2	377	379
NYCRCC	305	0	0	0	-305
Ben Lomond	80	80	0	0	80
Pine Grove	80	80	0	0	80
Washington Ridge	80	80	0	0	80
Mt. Bullion	80	0	0	0	-80
TOTAL	6,505	1,794	230	2,718	4,742

TABLE 12
Actual and Projected Ward Population
June 30, 1996 through June 30, 2009

Actual population as of June 30			
Year	Population	Change	% change
1996	10,144		
1997	8,790	-1,354	-13.3%
1998	8,122	-668	-7.6%
1999	7,618	-504	-6.2%
2000	7,380	-238	-3.1%
2001	6,776	-604	-8.2%
2002	5,847	-929	-13.7%
2003	4,879	-968	-16.6%
Projected population as of June 30			
Year	Population	Change	% change
2004	4,090	-789	-16.2%
2005	3,895	-195	-4.8%
2006	3,760	-135	-3.5%
2007	3,755	-5	-0.1%
2008	3,750	-5	-0.1%
2009	3,740	-10	-0.3%

TABLE 13
Actual and Projected Ward Population by Gender
June 30, 2003 through June 30, 2009

Date	Male Sub-total	Female Sub-total	Total Wards
6/30/2003	4,644	235	4,879
6/30/2004	3,870	220	4,090
6/30/2005	3,685	210	3,895
6/30/2006	3,555	205	3,760
6/30/2007	3,555	200	3,755
6/30/2008	3,555	195	3,750
6/30/2009	3,550	190	3,740

TABLE 14
Ward Population by Age as of March 31, 2004

Age	# of Wards	Age	# of Wards	Age	# of Wards
12	2	17	706	22	192
13	6	18	953	23	145
14	31	19	810	24	100
15	108	20	640	25	1
16	304	21	222	32	1
Total	451 (10.9%)	Total	3,331 (79%)	Total	439 (10.4%)

NOTE: Under Welfare and Institutions Code Section 1800 the sentencing court may extend a ward's jurisdiction up to two additional years when a ward is shown to be a danger to self and others. A sex offender in one of the YA institutions has been extended four times using these criteria and is now age 32.

TABLE 15
Number and Type of Beds Eliminated from Youth Authority Facilities as of June 30, 2005
Under This Proposal

	2004	Bed Change by Type			2005
Institutions	Beds	Dorm Beds	Dry Rooms	Wet Rooms	Beds
O. H. Close	365	266	99	0	365
Karl Holton (Female)	0	+266	0	+122	+388
N. A. Chaderjian	550	0	0	550	550
DeWitt Nelson	400	400	0	0	400
Preston	702	500	0	202	702
Fred C. Nelles	0	0	0	0	0
El Paso De Robles	658	0	0	0	-658
Ventura (Male)	0	+100	0	+250	+350
Ventura (Male)	300	0	1	299	300
Heman G. Stark	1,148	0	16	1,132	1,148
SYCRCC	379	0	2	377	379
NYCRCC	0	0	0	0	0
Ben Lomond	80	80	0	0	80
Pine Grove	80	80	0	0	80
Washington Ridge	80	80	0	0	80
Mt. Bullion	0	0	0	0	0
TOTAL	4,742	1,772	118	2,932	4,822

TABLE 16
Number and Types of Beds Eliminated from Youth Authority Facilities
As of June 30, 2006

	2005	Bed Change by Type			2006
Institutions	Beds	Dorm Beds	Dry Rooms	Wet Rooms	Beds
O. H. Close	365	266	99	0	365
Karl Holton	388	266	122	0	388
N. A. Chaderjian	550	0	0	550	550
DeWitt Nelson	400	400	0	0	400
Preston	702	0	0	0	-702
Fred C. Nelles	0	0	0	0	0
El Paso De Robles	0	0	0	0	0
Ventura (Male)	350	100	0	250	350
Ventura (Male)	300	0	1	299	300
Heman G. Stark	1,148	0	16	1,132	1,148
SYCRCC	379	0	2	377	379
NYCRCC	0	0	0	0	0
Ben Lomond	80	80	0	0	80
Pine Grove	80	80	0	0	80
Washington Ridge	80	80	0	0	80
Mt. Bullion	0	0	0	0	0
NCWF	0	0	0	+400	+400
TOTAL	4,822	1,272	240	3,008	4,520

TABLE 17
Number and Types of Beds Eliminated from Youth Authority Facilities
Through June 30, 2009

	2006	Bed Change by Type			2009
Institutions	Beds	Dorm Beds	Dry Rooms	Wet Rooms	Beds
O. H. Close	365	266	99	0	365
Karl Holton	388	266	122	0	388
N. A. Chaderjian	550	0	0	550	550
DeWitt Nelson	400	400	0	0	400
Preston	0	0	0	0	0
Fred C. Nelles	0	0	0	0	0
El Paso De Robles	0	0	0	0	0
Ventura (Male)	350	100	0	250	350
Ventura (Male)	300	0	1	299	300
Heman G. Stark	1,148	0	16	1,132	1,148
SYCRCC	379	0	2	377	379
NYCRCC	0	0	0	0	0
Ben Lomond	80	80	0	0	80
Pine Grove	80	80	0	0	80
Washington Ridge	80	80	0	0	80
Mt. Bullion	0	0	0	0	0
NCWF	400	0	0	400	400
TOTAL	4,520	1,272	240	3,008	4,520

TABLE 18
Summary of Youth Authority Institution Bed Consolidation Recommendations,
2003 through 2009

Date	Dorm Beds	Dry Rooms	Wet Rooms	Total	Bed Reduction	Annual Change
6/30/2003	2,632	502	3,371	6,505		
6/30/2004	1,794	230	2,718	4,742	-1,763	-27.1%
6/30/2005	1,772	118	2,932	4,822	80	1.7%
6/30/2006	1,272	240	3,008	4,520	-302	-6.3%
6/30/2007	1,272	240	3,008	4,520	0	0.0%
6/30/2008	1,272	240	3,008	4,520	0	0.0%
6/30/2009	1,272	240	3,008	4,520	0	0.0%
Net Change	-1,360	-262	-363	-1,985	-1,985	31.7%

TABLE 19
General Fund Savings

Fiscal Year	Savings	Costs	Net Savings
2004 - 05	\$0	\$0	\$0
2005 - 06	-\$19,149,000	+\$13,158,000	-\$5,991,000
2006 - 07	-\$42,071,000	+\$30,444,000	-\$11,627,000
2007 - 08	-\$42,071,000	+\$30,444,000	-\$11,627,000
2008 - 09	-\$42,071,000	+\$30,444,000	-\$11,627,000

Labor Contract

In any organization, there must exist a balance between management's obligation to direct the activities of the department to achieve operational goals and a union's obligation to ensure that its members receive just wages and work in a safe and fair environment. Historically, influence and power has shifted between these two entities in the California correctional system. The agreement between the state and the California Correctional Peace Officers Association, which is in effect from July 1, 2001 until July 2, 2006, clearly has resulted in an unfair and unworkable tilt toward union influence. The Department of Personnel Administration, which negotiated the contract, did not adequately represent the interests of the Youth and Adult Correctional Agency and its departments. The Secretary of the Youth and Adult Correctional Agency had little, if any, influence on matters that affect department operations.

The agreement contains numerous provisions that seriously undermine the ability of management to direct and control the activities of existing correctional departments and the new Department of Correctional Services. It is unclear whether adjustments can be made to the current agreement, but at the very least, the following should be considered in negotiating a new agreement.

Recommendations

- **The Secretary of the Department of Correctional Services should be responsible for negotiating all matters that involve the management of the department.**

Wages and benefits are clearly negotiation rights that should be reserved for the Governor and the Legislature. However, the Secretary of the Department of Correctional Services must be involved in any negotiations that affect the efficient operation of the department. Only management is in a position to ascertain how proposed concessions or agreements in this area could effect long-range planning and goals.

- **Management personnel should have their own bargaining unit.**

At present management personnel receive no longevity or education bonus. As a result, qualified personnel are reluctant to attempt to promote because by doing so they would lose benefits available at the lower ranks. Giving management personnel their own bargaining unit would also enable them to negotiate increased benefits, which would make it more desirable to join management ranks.

- **The California Correctional Peace Officers Association should not be guaranteed a seat on management committees just because an employee the union represents is on the committee.**

It is management's prerogative to staff a committee as it sees fit. Arbitrary rules that dictate membership on a committee do not serve the best interests of the organization.

- **The California Correctional Peace Officers Association should not be a member of any committee that reviews staff assaults.**

Management may choose to have peer representation on the committee but it is management's prerogative to review such matters without union participation. The current contract gives the California Correctional Peace Officers Association two bites of the apple. First, it sits on the committee that makes recommendations as to whether or not an assault is within policy, and then it defends officers in punitive actions that result from inappropriate use of force.

- **The Correctional Peace Officer apprenticeship program should be eliminated.**

The apprenticeship program has not produced qualified candidates in significant numbers. Entry-level cadets should be on probation for one year after their graduation from the academy. Their training, mentoring, and final decision as to permanent employment is a management right. Management should designate a field training officer employment classification, whose members will be specially selected and trained to oversee a probationer's progress. It is management's decision to terminate a probationary employee and that employee should have no appeal rights other than a "liberty" hearing before the Director of Training to ascertain whether the decision to terminate is justified.

- **Training lesson plans should be formulated and implemented by management without prior approval from any outside entity, such as the Correctional Peace Officers Standards and Training Commission.**

At present, training lesson plans can be delayed for years because of disagreements between the members of the Correctional Peace Officers Standards and Training Commission, on which the California Correctional Peace Officers Association enjoys 50 percent membership. Training is also a management right and is based on organizational needs. Under the reorganization plan proposed by the Corrections Independent Review Panel, an independent Office of Personnel and Training would have the department-wide responsibility for all training.

- **Adverse action and citizen complaint documents should not be purged from an employee's files.**

Safeguards should be established to ensure that not-sustained complaints cannot be used for the purposes of promotion and transfer, but management must retain a record of all incidents for risk-management purposes.

- **Seniority should not be used for transfers, overtime, and assignments.**

In order to fulfill its mission, it is crucial that management have the ability to post its best employees in the most critical assignments. The union should have no say in this matter. In addition, granting permission to work overtime based on seniority ensures that the highest paid employees will get that assignment. This does not guarantee that the best employee will be selected, but it does guarantee that it will cost more money. Using seniority for transfers greatly impinges on management's right to assign employees based on need and competency. It is permissible to use seniority for the selection of vacations.

- **Longevity pay should be based on time in the department, and not time in the California Correctional Peace Officers Association.**

Employees should be rewarded for longevity in the department. The state should neither discourage nor reward union membership.

- **The present 70-30 percent rule for assignments and overtime should be eliminated.**

Only management should be responsible for the posting of employees, and posting should be based on merit without union participation. A fundamental obligation for management is to deploy the best personnel in the most critical assignments. It is unacceptable to have the union make these decisions.

- **The present sick leave policy should be revisited to ensure that management has the right to inquire and take corrective action relative to sick leave abuse.**

Present contract provisions make it difficult for management to investigate sick leave abuses, such as chronic use of Friday and Monday sick leave to correspond with a weekend off. The result has been a surge in sick leave use at great expense to the state.

- **The contract section on personnel investigations (9.09 and related side letters) should be revisited.**

The present contract mandates that management give an employee pertinent information relative to an investigation before the first interview. It makes no sense to give an employee a copy of the investigation BEFORE the investigation is completed. This practice encourages the “code of silence” afflicting the state correctional system and could contribute to retaliation against “whistle-blowers.”

Information Technology

Information technology at the Department of Corrections has been consistently underfunded, overlooked and neglected. In examining the state correctional system, the Corrections Independent Review Panel found a loosely connected organization that evolved as independent components lacking centralized control. Not surprisingly, the same is true of the correctional system's information technology structure—independent growth resulting in inconsistent systems not supportable by a centralized authority. Consequently, information technology in the state correctional system is inadequate to allow the correctional system to fulfill its current responsibilities or those envisioned by the objectives presented in this report.

A November 2002 report of the Senate Advisory Commission on Cost Control in State Government concluded that the Department of Corrections is technologically antiquated. The report observed that since the late 1980s, the Department of Corrections has invested most of its attention into “providing new prisons, hiring and training the thousands of correctional employees to operate them,” but that “one important item was forgotten—a similar commitment to build new information capabilities” and capacity.¹

Efforts to correct the department's information technology capacity have been thwarted by competing crisis demands and priorities external to corrections, apparently killing the messenger rather than addressing the message. The Senate Advisory Commission report noted:

[D]epartmental managers directly responsible for the IT systems time and again have requested funds to replace aging equipment, to complete an unfinished infrastructure, and to take advantage of inexpensive prison management software developed by other states. But the requests have been ignored. 'Budgetary Constraints' have been invoked year after year by the state Administration as the reason for failing to provide funds needed to develop an up-to-date CDC information system.²

Information is essential in managing an organization the size of the correctional system. The Senate Advisory Commission determined that, “A modern management information system must be a critical goal for CDC in terms of improving efficiency, reducing costs, and supporting the department's mission of public safety.”³ The lack of information relative to inmate care and treatment has been a significant factor in lawsuits against state correctional agencies. The legal cases *Madrid v. Gomez*, *Clark v. State of California*, *Coleman v. Davis*, *Plata v. Wilson*, and *Farrell v. Harper*, all identify poor records systems as indicators of negligent

¹ Senate Advisory Commission on Cost Control in State Government, *Utilizing Technology in the Department of Corrections*, Sacramento, California, August 2002, pp.13, 15.

² *Ibid.*, pp. 63-64.

³ *Ibid.*, p.63.

conduct on the part of corrections and demonstrative of the failures to properly care for or protect inmates.⁴

Attorney Donald Specter, Director of the Prison Law Office, the primary legal advocacy group initiating class action suits against the state correctional system, commented about the California Department of Corrections:

*[I]t is too big and much too diverse; without information there is no management.*⁵

The Corrections Independent Review Panel reaffirms those observations.

The objective to be pursued is not unknown to the state or to corrections officials. J. Clark Kelso, Chief Information Officer, State of California, in a May 12, 2004 speech to the Government Technology Conference, in Sacramento, set out three major goals:

*[M]y vision for the immediate future of IT in state government is re-establishing effective IT governance within the State, agreeing upon a 5-year strategic plan for IT developments in the areas of back office systems, smart services on the Internet, infrastructure rationalization, and IT security, and establishing and enforcing statewide policies and standards through an enterprise architecture.*⁶

Corrections Independent Review Panel concludes that the core technology needs of the Department of Correctional Services parallel this vision. An effective information technology enterprise requires the establishment of a centralized highly placed information technology leadership in corrections; a five-year strategic plan for infrastructure implementation and enforcing corrections-wide policies and standards through an enterprise architecture.

Fiscal Impact

The costs associated with personnel enhancements and standardization of information technology will increase expenditures for technology over present levels. This budget area has been restrained in past years with the consequence of accumulated maintenance costs and deferred expansion. New personnel costs must be accepted if minimum base levels of support are to be provided.

⁴ Youth and Adult Correctional Agency, "Transition Document," November 4, 2003, pp. 23-28.

⁵ Donald Specter, Director, Prison Law Office, comments to the Corrections Independent Review Panel, Sacramento, California, April 15, 2004.

⁶ J. Clark Kelso, Chief Information Officer, State of California, "21st Century Government," Government Technology Conference Sacramento, California May 12, 2004,

Background

The information technology arena of each entity of the Youth and Adult Correctional Agency has evolved on its own, scaled to its own operation. The two largest components, California Department of Corrections and California Youth Authority, both addressing incarceration and parole issues but on different scales, have mirror-image information technology components, varying only in size. The duty statements of the technology staff, regardless of employing department, authority, or board are identical and validate that similar duties are carried out.

Entities within the Youth and Adult Correctional Agency are capable of supporting different information needs. Indicative of this is that the California Department of Corrections, Information Systems Division has responsibility for both institution and parole support and is presently supporting the Board of Prison Terms in development of a parolee hearing tracking database ordered by the federal courts.⁷

All technology staff should be accountable to one central authority. At present, 100 Department of Corrections employees are assigned in 32 institutions for technology purposes, but they are not supervised by the Information Systems Division, which is responsible for technology management. Christy Quinlan, Chief Information Officer, California Department of Corrections, Information Systems Division, advised that during recent 2004 department information technology training in Galt, California on April 6 and 7, the most prominent voiced request was to change the information technology organization to centralized personnel management.⁸ Conference attendees who work in institutions provided examples of problems resulting from the absence of centralized personnel management. The problems cited include: the inability to gain local compliance with departmental policy and report non-compliance in accordance with policy; the inability to report or stop security breaches; being assigned tasks out of information technology classification; non-information technology managers over-riding departmental priorities; and the inability of non-information technology managers to grasp information technology-related issues.⁹ In an environment of understaffing, the fragmentation of resource control not only compounds the staffing issue, but undermines the morale of those properly and improperly utilized.

Support of technology has not kept pace with other staffing. In an agency of 52,000 employees—about one-sixth of all state employees—approximately 250 people are directly accountable for supporting the department's information systems development, communi-

⁷ Heidi Trimarchi, Manager of Application Development and Maintenance Section, Information Systems Division, California Department of Corrections, interview Folsom, California, June 2, 2004.

⁸ Christy Quinlan, Deputy Director and Chief Information Officer, California Department of Corrections, interview, Sacramento, California, May 19, 2004.

⁹ Dan Marshall, Staff Information System Analyst, California Department of Corrections, San Quentin, California.

cation, and associated storage and service requirements.¹⁰ The 100 additional technology employees assigned to Department of Corrections institutions are responsible to the institution hiring authority and can be diverted to non-information technology local duties as determined by institution supervisors. Assigned at a specific institution, some of which are quite remote, these employees are not readily available to assist each other or headquarters. Also, institutions operate twenty-four hours a day, seven days a week, 365 days a year. Often these employees have the highest ratio of support to users—as much as 1:600.¹¹ The Gartner Group, an industry-recognized expert on information technology personnel ratios, conducted a staffing study for the California Youth Authority, which is similar to California Department of Corrections, and recommended a support ratio of staff to personal computers of 1:45. If all of the technology employees within the agency were used only for computer support, the ratio, at best, would be 1:150. But if that were the case, no other information technology services could be delivered, including application development, network and server support, data communications, database, security, help desk and implementation and control of production systems.¹² Adequate staffing levels are needed if correctional personnel are to rely upon and trust the technology environment to support their needs.

In addition, the current structure allows for candidates who lack even the most basic required qualifications to be hired into technology positions; indeed, the majority of the institution and field interview panels do not include a member from the information technology classifications. The department must change its hiring practices for information technology personnel.¹³

Budget. Budget centralization is critical to uniformity of applications, prioritization of projects, and accountability. In the past, wardens had autonomy over institution budgets, which has contributed to overspending the corrections budget by 1.6 billion dollars since 1999.¹⁴ As has been the case with many agencies, much of the early technology applications in the corrections system occurred from the ground up. In the absence of headquarters capability to provide support that kept pace with correctional growth, local ingenuity was applied. A consequence of self-initiative and local budgeting at institutions resulted in diverse software programs and hardware. Local institutions used available programmable software to implement local solutions. Standardization was a victim. These numerous

¹⁰ Christy Quinlan, Deputy Director and Chief Information Officer, California Department of Corrections, interview, Sacramento, California, May 19, 2004, and Heidi Trimarchi, Manager of Application Development and Maintenance Section, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

¹¹ Dan Marshall, Staff Information System Analyst, California Department of Correction, San Quentin, California.

¹² California Department of Corrections, Information Systems Division, "Youth and Correctional Agency Information Technology Statement Form," pp. 2-3. (Supplied by Christy Quinlan, Deputy Director and Chief Information Officer, California Department of Corrections, Sacramento, California, January 2003).

¹³ Senate Advisory Commission on Cost Control in State Government, *Utilizing Technology in the Department of Corrections*, Sacramento, California, August 2002, p. 41.

¹⁴ Associated Press, "Prison spending reforms approved by state assembly," May 27, 2004.

single purpose, stand-alone systems in today's networking environments and information demands, cannot communicate with one another, are too slow, are outmoded, or are no longer supported by the manufacturer. These inherited systems, or legacy systems, dilute technical support resources; can no longer perform the tasks undertaken; cannot be supported; or are antiquated.¹⁵

This autonomy of expenditure has also resulted in some institutions implementing major technology infrastructure developments on their own and others not.¹⁶ A consequence is a fragmented level of development and a failure to anticipate the continuing cost of maintaining systems after they are established. The fragmentation is also generated by several major settlements in federal court cases that have mandated specific actions to include databases and the technology to achieve them,¹⁷ some local in nature¹⁸ and others division-wide.¹⁹ These court mandates have re-prioritized projects, often with great administrative expense. One special master received \$600,000²⁰ and another is even more costly.²¹

The methodology of financing is also affected by practices imposed by the Department of Finance. Presently, all technology projects costing over \$500,000 must be justified to and approved by the Department of Finance, a generic process applied regardless of risk involved and seen by technology staff as wasteful. The Department of Finance requires that each project include its own infrastructure development and costs, regardless of whether a general infrastructure project alone would be more economical in the long run.²² This also encourages piecemeal development.

While issues of budget impact all project activity, project development and management determines success or failure. The ghosts of projects failed haunt the state technology departments. Every technology administrator is familiar with the failed Department of Motor Vehicles computer project, the Oracle licensing contract debacle, and other technology-related failures and scandals. These technology graves create suspicions toward all major technology projects proposed for state government. The California Department of Corrections suffers from a failed Correctional Management Information System.²³ Begun in

¹⁵ Heidi Trimarchi, Manager of Application Development and Maintenance, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

¹⁶ Heidi Trimarchi, Manager of Application Development and Maintenance, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

¹⁷ Joe Panora, Chief Information Officer, California Youth Authority, interview, Sacramento, California, May 17, 2004.

¹⁸ "Madrid Remedial Plan, Pelican Bay State Prison, Use of Force Policy," revised July 2003, pp. 45-46.

¹⁹ Darrel Ballard, Major, California Youth Authority, interview, March 24, 2004.

²⁰ Youth and Adult Correctional Agency, "Transition Document, *Madrid v. Alameida*," November 4, 2003, page 26

²¹ *Ibid.*, *Coleman v. Wilson*, p. 24.

²² Heidi Trimarchi, Manager of Application Development and Maintenance, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

²³ *Ibid.*

1994 with great hopes for propelling the department into an automated inmate information era, the project focus froze all existing older systems it was to replace, until it sputtered to a litigated halt in 1998. In its wake it left even more outdated and under-maintained old systems, a paranoia as to undertaking anything whose beginning and end could not be absolutely guaranteed, and a Legislature skeptical of funding any new projects.²⁴

The ability to manage a technology project of the magnitude appropriate for the new Department of Correctional Services or a consolidated correctional entity should give rise to cautious deliberation; not only as to the need, but as to selecting the correct resources to initiate and undertake the endeavor. Government technology resources generally can be fully tasked in the maintenance of the existing architecture, service calls, and coordinating the various connectivity of networks. The complexity of project development and the balancing of the responsibilities of the corrections internal units should require corrections administrators to seek competent expert advice and guidance. Technology project management is a specialized skill not naturally nurtured in the technology domain of state government or businesses in general. A new project can drain and overwhelm the normal supporting function provided by technology staff to an agency, harming its core operations and at the same time failing to produce the desired project results. Executive support of a project requires an objective assessment of both program and technical staff capabilities to internally undertake a major project task, or to contract out the task. This is not to diminish the talents of many corrections personnel, but to acknowledge that the size of the agency alone equals and surpasses many other state governments. Other options in technology choices are similarly important, such as using commercial off-the-shelf systems or choosing between purchasing or leasing various types of hardware. No clear formula exists for making these determinations, but the issues must be addressed objectively with each project.

The current budgeting practice requires program technology projects to be funded by the affected institution or program. Institution budgets can be expended for technology purposes, but procurement procedures in the Department of Corrections and the California Youth Authority now require sign-off on procurement requests by the chief information officer. The culture of institution autonomy still prevails—an occasional technology argument concludes with “the wardens have to run their institutions, you can’t tell them what to do!”²⁵

Standardization. Control of technology development is essential. As noted above, fiscal control can provide standardization of systems and hardware. The technology authority must be adequately empowered to do this. Replacing the older antiquated systems not compatible with current technology will require discipline and a long-term strategy. New

²⁴ Senate Advisory Commission on Cost Control in State Government, *Utilizing Technology in the Department of Corrections*, Sacramento, California, August 2002, p. 26.

²⁵ Heidi Trimarchi, Manager of Application Development and Maintenance, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

Department of Corrections policy applies the industry practice of requiring a written charter between the department technology staff and the program staff in the development of a technology project for operational use. These project management relationships are formally documented with specific responsibilities assigned.²⁶ The operational program establishes the business need, and technology determines the process. But not every program person is suited to or, more likely, even trained in the manager role.²⁷ Standardization of systems can be maintained by allowing technology to determine the process.

Many projects affecting corrections have been court-imposed, which can undermine standardization. The settlement outcomes are negotiated between program staff and the court-appointed representative and experts. The understanding of the corrections program staff may not realistically encompass technology concerns.²⁸ Likewise, the capacity of the technology staff may not be adequate to fulfill the operational need.²⁹ In either instance, this can result in settlements that create expensive or inefficient results. Further, executive management must consider the global impact of these settlements on the resulting technology demands and ensure that negotiations do not undermine standardization.

Executive support. The executive leadership must support a technology strategy of centralized authority and standardized process.³⁰ That support is essential to the effective use of technology capable of supporting the operational program activity of the agency. Information is the key to accountability. The executive must understand that information capture, flow, and use are essential to all aspects of the correctional mission. Adequately implemented, information technology can support the external initiatives foreseen by the proposed Correctional Standards Authority in the coordination of state and local corrections systems. Implementation of technology strategic policy must be aggressively enforced, whether resisted by institution executives, affected by union policy concerning work rules, or infringed upon by proposed settlement agreements.

The chief information officer must have adequate authority to prevent dilution of resources through budget and personnel diversion, to control development of infrastructure and to enforce a focused strategy.³¹ The Department of Corrections has implemented an Information Technology Executive Committee composed of all major division executives. It is the role of the Technology Executive Committee to consider and prioritize projects and monitor their progress. Greater involvement and representation of wardens is desired and is being

²⁶ *Ibid.*

²⁷ Joe Panora, Chief Information Officer, California Youth Authority, interview, Sacramento, California, May 17, 2004.

²⁸ *Ibid.*

²⁹ Warden Joe McGrath, Pelican Bay State Prison, letter to Special Master John Hagar, in re *Madrid v. Gomez*, April 2, 1999.

³⁰ Joe Panora, Chief Information Officer, California Youth Authority, interview, Sacramento, California, May 17, 2004.

³¹ Joe Sogge, Chief Information Officer, Department of General Services, interview, Sacramento, California, May 7, 2004.

sought.³² This concept is consistent with the proposed Department of Correctional Services elevation of the information technology executive to report directly to the Secretary.

Infrastructure and database development. Robust enterprise-wide systems addressing core matters are essential. A consolidated Department of Correctional Services will require enhanced wide-area networks. A strong regional authority will require reliable connectivity; hence, a robust enterprise wide infrastructure is essential. In recent years the technology components have worked toward that end within budget restraints, but much still remains. The California Youth Authority is concluding a phasing out of Macintosh hardware and implementing a unified e-mail.³³ The Department of Corrections just completed the installation of the last local area network in an institution.³⁴

In recent years, the Department of Corrections and the California Youth Authority have identified needed new and replacement data collection systems and these are being developed. Several of these major systems are court-ordered. A business information system, an offender data system, and a global data system encompassing all inmate medical history are some of the major endeavors, and are just a few of many in stages of development or under consideration. As identified and justified elsewhere in this report, the Corrections Independent Review Panel has found the need for developing enterprise-wide data collection applications and for enhancing or consolidating currently developed systems or systems under development, based upon anticipated needs of the new Department of Correctional Services.

In summary the Corrections Independent Review Panel found need for the following:

- An offender data system to consolidate all intake, history, and tracking of all inmates, wards or parolees.
- An inmate education program database accessible by institutions and parole for all needs.
- Data systems that would support “evidence-based” decision making to measure the effectiveness of parole policies and programs to reduce the rate of recidivism.
- A health care data system to capture all individual inmate, ward, and parolee medical activity and records and to allow for global analysis of corrections medical treatment, costs, and impacts.
- The development of a state-wide system for tracking and analysis of inmate/parolee appeals.

³² *Ibid.*

³³ Joe Panora, Chief Information Officer, California Youth Authority, interview, Sacramento, California, May 17, 2004.

³⁴ Heidi Trimarchi, Manager of Application Development and Maintenance, Information Systems Division, California Department of Corrections, interview, Folsom, California, June 2, 2004.

- A business information system to support all management tasks and provide for accountability within the Department of Correctional Services.
- Creation of a personnel information system to track all employee-related matters and issues and to provide employee access to those aspects that facilitate career and training development while maintaining adequate record security.
- Creation of a case management system for managing internal affairs cases state-wide.
- Creation of a data system for gathering and analysis of information regarding use-of-force incidents.

Recommendations

The Corrections Independent Review Panel recommends that the following actions be taken to improve information technology in the state correctional system:

- Consolidate all correctional information technology into one major organizational structure under the direction of a Deputy Secretary for Information Technology, who will act as the chief information officer of the Department of Correctional Services.
- Establish and incorporate into budget and personnel planning a strategic plan for information technology infrastructure development, maintenance, and replacement.
- The Secretary of the Department of Correctional Services must adequately support the Deputy Secretary for Information Technology in implementing a strategic technology plan through personnel and budgetary discipline.
- The Secretary of the Department of Correctional Services must require a global assessment of all settlement agreements relative to technology strategic plan impact.
- Authorization of new or amended technology projects must identify all costs associated with establishing programs, supporting infrastructure, and maintenance.
- Department of Correctional Services information technology and financial management components should establish criteria for determining the need for contracted expertise in technology projects.
- Require technology project management training for corrections operations staff involved in chartered technology projects.

- All personnel servicing and implementing information technology systems must be hired by and assigned to the Deputy Secretary for Information Technology.
- Establish and maintain proper levels of technology support staffing for both existing and new systems.
- Establish specific core enterprise-wide databases to facilitate the effective operation of the Department of Correctional Services.

Fiscal Impact

Implementation of the recommendation will increase costs for technology infrastructure and personnel. The dollar cost of the recommendations will be determined by the creation of and compliance with a strategic plan. A strategic plan can minimize the unanticipated consequences that can arise in technology development and implementation that inflate expenses. User acceptance by compliance with standards of input of data, consideration of database content, and management application of data to decision making can reduce the events and incidents that generate crisis costs for the correctional entity. Business information systems allow the executive to control costs consistent with planning and require accountability and consequences for failure. Systems that document the medical treatment of inmates, wards, and parolees professionalize and enhance medical treatment and provide proof of action needed for medical and legal purposes. Failure to provide that proof in the past has led to legal claims alleging mistreatment, followed by subsequent damages and remediation costs.